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MANUAL FOR SURVEYS OF PALAU LANDS

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BUREAU OF LANDS AND SURVEYS

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Office of Territorial and International Affairs

Prepared and Edited by Jon B. Abrams
Bureau of Land Management
1994

The rules, regulations, standards, and guidelines of the *Manual for Surveys of Palau Lands* (the *Manual*) were promulgated in accordance with Title 6 of the Palau National Code by the Board of Land Surveyor Examiners pursuant to Title 11, Section 625, of the Palau National Code, and have been officially approved and accepted by the Republic of Palau. Any amendment to the rules, regulations, standards, and guidelines in the *Manual* must be made in accordance with Title 6 of the Palau National Code.

DRAFT

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Chapter 1: Palauan Land Ownership Concepts and Issues

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Determining land ownership in the Republic of Palau can be a complex process. Not only is land ownership based on the traditions and customs of the people of Palau, it derives from the laws and practices of several foreign administrations. This *Manual* attempts to explain all of these factors and how they interrelate. The following concepts provide a basis for understanding the explanations provided in later chapters of this *Manual.*

Background

The nonoceanic area of Palau is composed of about 350 islands encompassing about 160 square miles, and about 15 square miles of mangrove swamps. The island of Babelthaup is about 128 square miles, Urukthapel (a group of islands) is about 7 square miles, Kayangel is about 6 square miles, Peleliu is about 5 square miles, Angaur and Koror are about 3 square miles each, and Arakabasan is about 1 square mile. Approximately 72 percent of this total area is public land (chutem buai).

Clan structure is the most important factor in Palauan land ownership, and is also a vital part of the social organization. All present group and individual ownerships have evolved from prehistoric times during which the clan controlled certain exclusive areas, and village councils or groups of villages controlled the present-day public domain. The land is of great significance to the people of Palau because it is part of their legacy, which is represented by ancestral graves on clan and lineage lands and historic stone platforms of homesites. Though small in area, Palau has unique and diverse beauty, which promotes thoughts of a special mystique for many Palauans.

Relatively large amounts of land are owned by the clans, with the title being recognized in a trustee or administrator who is usually the strongest male member. However, clan titles are the source of other private titles. A trustee or administrator may hold lands for lineages. Private clan lands may be held by individuals or in common with others. Change of ownership may occur by deed, will, and recently by statutory inheritance law, but many of the changes in ownership must be investigated for registration purposes based on traditional or customary law. These transactions are complex issues relating to the place of individuals, families, and lineages within the clan, and the decisionmaking powers within these groups. The basic relationship is hereditary, being principally, but not always, matrilineal.

When land becomes individual land, the clan or lineage loses all rights to it. If a person dies without a will, their individual fee simple land goes to the oldest male child, whether natural or adopted. It does not become clan or lineage land again.

Transfer of clan lands requires unanimous consent of the senior members of a lineage or clan before they can be transacted. Those members living outside of the clan homesite must be contacted and heard, and the consent of at least every adult member in the maternal line is

required. Tracts of land in Palau are as small as .049 acres, with larger tracts being up to about 20 acres. These larger tracts are usually owned by lineages or clans.

Property ownership is established by usage and legal right, and is protected by the Palau Constitution. The sole means for changes to property or the location of that property is by due process of law. Administrative, legislative, and executive bodies must follow due process of law to effect land transfers or changes. There is no right for any Government agency to arbitrarily change the location of any property line.

Tochi Daicho

The survey and registration procedures conducted during the Japanese administration (1914-1944) were generally not thorough enough to clearly guarantee land titles and legal descriptions. However, they did produce valuable records for identifying ownership. These Tochi Daicho records were extensive, but did not cover all of Palau. Some of the Tochi Daicho has been lost, and other parts have been recognized as inconclusive, but useful, evidence of ownership. Generally, the Tochi Daicho is a beneficial document for tracing the roots of land titles.

The Tochi Daicho was prepared in two parts. The written portion included lot number, owner's name, and type and size of land. There were no references to landmarks or boundary ties. Tochi Daicho maps, which graphically represented the size and shape of the lots, were prepared, but contained no legal survey information. Availability of Tochi Daicho data is sporadic, with some States having infrequent Tochi Daicho sources, others having only a map, and still others having only the written information. One State never had Tochi Daicho records prepared, and another State had only a partial record. In addition, the Republic of Palau courts have recognized that for two States the Tochi Daicho data is legally inconclusive. Available Tochi Daicho records show about 18,000 parcels were compiled from 1938 to 1941.

Title to Public Land

Excluded from the Tochi Daicho were areas that were designated as public land, but which in fact were privately owned. The return of those lands to their rightful owners, including lands taken by force, coercion, fraud, or without adequate compensation, is required by Article XIII, Section 10, of the Republic of Palau Constitution. Much of the large area that was originally public land has no private claims attached to it; consequently, it will probably always remain public land.

Applications to claim public land had to be filed by January 1, 1989. The Land Claims Hearing Office (LCHO) determined the validity of these claims, for which there were over 1,000 cases for hearing. Claimants for these lands had to prove that they once owned the land and that the

lands were taken by occupying powers through forceful or deceitful means. Republic of Palau Public Law (RPPL) No. 3-42 was amended on December 25, 1990, to give the LCHO until December 31, 1995, to complete hearings relative to public land claims.

The Palau Public Lands Authority (PPLA) administers and holds title to the public lands. It is charged with managing and regulating uses and can sell, lease, exchange, and dedicate for public purposes the public lands with the approval of the government of the State within which the land exists. The PPLA also establishes and administers a program for homesteading on public lands. The PPLA has transferred most of the public lands to State authorities.

Homesteads are areas of public lands which may be suitable for agriculture, grazing, or community sites, and have been approved by the President for homesteading. These areas may be allotted to qualified persons under specific conditions for farming or development of village lots. Title may be acquired on fulfillment of the conditions. The PPLA advises the President as to homesteading areas, uses, and sizes. Within the confines of Title 35 of the Palau National Code (PNC), the PPLA also recommends those individuals or groups who are eligible for homestead privileges. Applications to the PPLA must contain a metes and bounds description.

When any public lands are subdivided for purposes of sale, lease, homestead, exchange, etc., the Chief of the Division of Surveying and Mapping is required to lay out access roads and paths from established public roads to the newly subdivided area. This requirement is identical for parcels adjacent to the sea or tidal areas.

Title to Private Land

The determination of ownership and registration of private lands in Palau is principally and initially vested in the LCHO, established in December 1987 under the administration of the National Judiciary. Land titles previously adjudicated by the LCHO predecessor, the Palau Land Commission, or by the courts, are not revisited by the LCHO processes. The following steps lead to obtaining a Certificate of Title through the LCHO:

- State Land Registration Officers hold preliminary inquiries for lands in their area which are not yet registered. If claims received are well-founded, they are recorded and sent to the LCHO for determination.

- When ready, the LCHO designates registration areas. When surveys are completed for registration areas, hearings can start after 30 days notice to all interested parties and the public. By the time of the hearing, the area will have been surveyed whether in dispute or not.

- Within 20 days after the hearing, the LCHO sends a report, which includes the LCHO determination, to the Chief Justice. All involved parties receive copies of the same report.

- Appeals to the LCHO determination may be filed within 45 days with the Trial Court after notification.

- If there is no appeal, Certificate of Title is issued. However, in many instances, the final survey plats are held back for either technical reasons or because some lots within those plats contain disputed boundaries and have not been heard by the LCHO.

- Titles may be withheld because of the incomplete adjudication situation within survey platting areas. However, the Palauan legal system fully recognizes that a copy of the LCHO determination, or an appropriate court decision, are fully acceptable documents of clear ownership of the land parcel in lieu of and until the actual Certificate of Title is issued.

Samples of a Certificate of Determination, a Certificate of Title, and a more detailed account of land registration procedures can be found in Appendices H, I, and J, respectively.

On designation of a registration area, the Senior Land Claims Hearing Officer notifies the Director of the Bureau of Lands and Surveys to perform accurate surveys of the area. Claimants or landowners then purchase standard monuments from the Bureau of Lands and Surveys to be placed at all corners of the claimed land. Iron pins are used instead if the placement of monuments is disputed. Claimants may be required to clear vegetation or obstructions from the boundaries of the claim for the purpose of the survey.

Under the law creating the LCHO and revising titling processes, all unregistered lands in Palau are to be registered by February 1995. However, by 1992, only about 14 percent of the lands had been adjudicated. Since 1971, about 5,000 titles have been issued in Palau.

Under Section 7 of the Rules and Regulations of the LCHO, private surveys cannot be conducted on properties which have not been adjudicated and registered according to the Palau Lands Registration Act. Exceptions to this rule are made if there is a court order or if the survey is preapproved by both the presiding LCHO Officer and the Director of the Bureau of Lands and Surveys. The reason for this rule is to avoid boundary disputes that could arise because of a lack of knowledge or coordination of the formal registration processes. Appendix K shows the form the surveyor is required to submit for approval to conduct a private survey. Appendix L shows the authorization form necessary to proceed with the survey.

Land Records

Documents affecting interests in lands are to be recorded in the Office of the Clerk of Courts in order to be valid against subsequent purchasers. There is no statutory requirement for such documents to be recorded in the LCHO. However, it is recommended that land documents be recorded with the LCHO Registrar so that complete records may be maintained.

Thorough land record document searches can be a particular problem since these types of records exist in more than one office. The Division of Surveying and Mapping (DSM) retains extensive sets of plats, field notes, and drawings as outlined in the table in Chapter 5. When an official survey plat has been approved, it is transferred to the LCHO for permanent filing. The LCHO also maintains claim files for land parcels. The DSM has files of the Land Management Office (LMO), which preceded the Land Commission. Some LMO files are in a storage area of the Government Supply Office.

Land documents exist in offices of the PPLA, State land authorities, Belau National Museum [Trust Territory of the Pacific Islands (TTPI) Government archives], and University of Hawaii archives. This archive data is on microfilm. Deeds and other documents are filed in the Office of the Clerk of Court, and the Courthouse has files on previous and pending land matters. Documents yet to be discovered may exist from other sources such as U.S., Japanese, or other Republic of Palau Government offices. There are plans to consolidate all land records with the DSM.

The Role of Surveyors

Surveyors should have a working knowledge of land planning laws, rules, and regulations in the Republic of Palau in order to conform with various zoning and use codes. It is particularly important for the private surveyor to be familiar with such requirements as setbacks, compatible businesses, and agricultural and residential conditions, e.g., dwellings per acre, in order to protect the client's interests and to stay in conformance with the laws. Currently, detailed zoning and construction requirements exist for Koror State as outlined in Divisions 3 and 4 of Title 31, Land Planning, PNC.

Land planning is a policy of the Republic of Palau National Government and also of the States, with nine States having Planning Commissions. The Republic of Palau has accepted the policy-purpose statement (Title 31, 102, PNC) of the former Trust Territory which states in part:

> "...establish certain minimum regulations for the protection and promotion of the public health, safety and general welfare of the people...to encourage the most appropriate use of the land, both public and private, to provide adequate open spaces about buildings for light and air, to prevent undue concentration of population, to conserve and protect the natural environment, and to assure adequate provision for community utilities and facilities such as water, housing, schools, parks, transportation and thoroughfares and other public requirements."

The practice of land surveying has a key role in supporting these benefits for all of the people of Palau. This role demands not only that surveyors be knowledgeable in the technical and legal aspects of the profession, but also that they exhibit a demeanor of integrity, allowing Palauans to have full confidence in their services.

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Relationships of Palauan Bodies of Law

The Republic of Palau follows both United States common law and its own common law concerning lands and land surveys. Palauan common law traces back to the division of aboriginal land into public domain (Chutem buai) and clan lands (Chetemel a kebliil).

The public domain consisted of lands in the interior of Babelthaup and, for Koror, Peleliu, and Airai, numerous limestone islands (Chelebacheb), mangrove swamps, and the sea and reefs. For the most part, village councils controlled the public domain, although in some areas, a group of villages within a district collectively controlled the public domain.

The clan lands contained most of the private lands. Clan lands included home sites, taro paddies, woodlots, and palm forests. Boundaries for clan lands, as well as for the public domain, were marked by hills, rocks, trees, and natural formations. House sites were often bordered with palms and other plants. Taro paddies were, and still are, often divided by raised paths, drainage ditches, and trees.

Clan lands were assigned to the member lineages and were controlled by the male lineage head, who assigned parcels to lineage members. However, taro patches were assigned by the female lineage head to member women. Generally, a lineage could not alienate any of its lands without approval of the adult membership of the clan. With the extinction of any of the member lineages, the land reverted to clan control and reassignment to other lineages.

Within villages, certain lands were controlled by the village council and were used in common, i.e., clubhouse sites, canoe house sites, piers, and paths. Titles to these lands were held by the owning clan. Present examples of common land include school and community building sites.

Land transfers did occur in aboriginal times under certain conditions:

- through assimilation of one clan into another
- as payment for food and services when money was lacking (with great reluctance)
- as punishment for offenses
- through warfare
- by death or divorce
- through exchanges
- for nonpayment of mortgaged land

However, actual sale of land for a fee did not exist. See the References section for sources of more information on traditional and customary landholding and transfer practices.

Land tenure concepts in Palau began to change near the turn of the century due to depopulation and the influence of foreign administrations. There are few records from the Spanish administration (1886-1899), and very little land was alienated during or prior to this period.

The German administration (1899-1914) considered all lands not occupied or cultivated to be Government lands, although this status was not generally recognized by Palauans. A directive by the German Government in Palau required each man to plant a hundred coconut palms. Some of these lands put into cultivation were to be owned by the individual planter, and some traditional boundaries were disregarded by Palauans in order to comply with the order. In later times (Japanese period) there were ownership land disputes and some of these lands were returned to clan control.

In the beginning of the Japanese period (1914-1944), a declaration was made that lands below high water mark belonged to the Navy. Also, on the basis of German precedent, public lands in Airai, Koror, and Peleliu in the Chelebacheb Islands were to be considered Government lands. From 1923 to 1926, a land survey was conducted on Babelthaup for the purpose of separating private lands from the public domain. Evidently, considerably more areas of clan lands were encompassed than should have been and this situation was not rectified. It was during the Japanese period that surveyors began using concrete monuments to mark land boundaries.

The Japanese Government exercised eminent domain in purchasing additional lands on Koror, Arakabesang, Peleliu, and Babelthaup. There were other numerous instances of lands being transferred to Japanese control, e.g., phosphate mining in Peleliu, but the Japanese did continue the German policy of forbidding sale of land to foreigners until 1935.

The concept of individual land ownership came into major focus during the Japanese period. In 1938-40, a survey of private lands in Babelthaup, Koror, and Kayangel was conducted and land ownership given legal recognition through the Japanese land register--the Tochi Daicho. Five teams composed of a Japanese surveyor and an examiner, laborers, a Palauan interpreter, and certain clan leaders in each district conducted the surveys. One result was that some traditionally clan-owned lands used by the village and district, e.g., clubhouse sites, were registered as village-owned or district-owned. Also, many clans and lineages met and divided lands from group ownership among individual members. Traditional boundaries that were not recognized, and lands that underwent changes in topography from human activity, coupled with failings in memory and acquisitiveness, have led to boundary disputes.

From the roots of Palauan traditional and customary law, the following considerations are summarized:

- All Palauan land boundaries were originally determined by tradition, warfare, and legends of migration and settlement.

- Reef boundaries are more clearly defined now than in the past; foreign administrations were the influencing factor in delineating specific reef rights.

- A person's clan affiliation is determined by individual circumstances; determination of property rights and control can be extremely complicated.

- Customs pertaining to land are generally uniform throughout Palau; however, local developments and foreign influences have combined to cause regional differences. Land tenure in Angaur is vague because of phosphate mining and differing policies of three foreign administrations. Peleliu tenure conditions were disturbed by military activity in World War II, although villages still retained their identities and councils. The areas of Koror and Arakabesang also have unique land tenure conditions stemming in part from foreign government actions.

Contemporary Law

Knowledge of Palauan real property laws is essential for the surveyor in fulfilling the role of investigator, land records analyzer, and chain of title researcher. This knowledge and these roles do not permit the surveyor to make legal decisions or judgments or to otherwise practice land law. For legal definitions of surveying and land-related terms, *Black's Law Dictionary* is designated as the accepted standard.

Article XIII, Section 10 of the Constitution of the Republic of Palau (January 1, 1981) states, "The national government shall within five years of the effective date of this Constitution, provide for the return to the original owners or their heirs of any land which became part of the public lands as a result of the acquisition by previous occupying powers or their nationals through force, coercion, fraud, or without just compensation or adequate consideration."

Article XV 3(a) of the Constitution of the Republic of Palau (January 1, 1981) states, "All existing law in force and effect in Palau immediately preceding the effective date of the Constitution shall, subject to the provisions of the Constitution, remain in force and effect until repealed, revoked, amended or until it expires by its own tenure."

Article XV 3(b) states, "All rights, interests, obligations, judgments, and liabilities arising under the existing law shall remain in force and effect and shall be recognized, exercised, and enforced accordingly, subject to the provisions of this Constitution."

In addition to the Constitution, laws that are in full force and effect in the Republic, unless otherwise modified, include traditional and customary law; common law; Spanish, German, and Japanese land law in effect in the Republic on December 1, 1941; the Trusteeship Agreement; United States laws applicable to the Trust Territory; Trust Territory laws not repealed by the Olbiil Era Kelulau; District orders promulgated by the District Administrator of the Palau District, the Acts of the Olbiil Era Kelulau; and State laws.

The Republic of Palau National Code is a compilation and codification of general and permanent laws having national application. The code contains the laws of the Palau District Code (laws of the Palau legislature in effect on March 1971); the Trust Territory Code (TTC), Congress of Micronesia; the Fifth, Sixth, and Seventh Palau Legislature laws; and the Republic of Palau Public Laws (RPPLs) of the Olbiil Era Kelulau. The provisions of the Republic of Palau National Code are construed as a continuation of substantially similar prior regulations of the Trust Territory (not as new enactments). Proclamations, regulations, orders, and directives of the United States military government, civil administration orders (except existing District orders), and all interim regulations, related amendments, and related supplements which are not contained in the Code were expressly repealed coincident with the Code's adoption.

Recognized customary law of the Republic has the full force and effect of law insofar as it does not conflict with previously mentioned legal authorities. Article V, Section 2, of the Constitution states that statute and traditional law will be equally authoritative. If there is a conflict, statute law prevails only to the extent that it is not in conflict with the principles of traditional law.

In the absence of other appropriate written law authorities, the rules of common law as understood and applied in the United States form the basis for rules of decision in the Republic courts. United States common law does not apply to the ownership, use, inheritance, and transfer of land in effect on December 1, 1941.

Palauan statute law is composed of currently applicable laws from the Palau Legislature in effect in the Palau District in March 1971; the TTC (Congress of Micronesia); Palau Legislature laws of the Fifth, Sixth, and Seventh Legislatures; and the RPPLs of the Olbiil Era Kelulau. The PNC contains a compilation of all of these laws applicable in the Republic.

Land Surveyors Registration Act (RPPL 1-33)

The following summaries include Palau statutes pertaining to land surveying and surveyors under RPPL 1-33 (see Title 11, Chapter 6, PNC). These summaries also include modification of RPPL 1-33 and clarification of policies as recommended by the Board of Land Surveyor Examiners.

Board of Land Surveyor Examiners

The Board of Land Surveyor Examiners is composed of five Palau citizens appointed by the President. The President also designates the Chairman of the Board.

The Board is authorized to make rules and regulations needed to perform its responsibilities consistent with established law. These rules and regulations become law after approval by the President and their subsequent promulgation.

Land Surveying

Land surveying is practiced by persons who, either in a public or private capacity, do or offer to do any of the following:

- locate, relocate, establish, reestablish, or retrace any property line or boundary of any parcel of land or any road, right-of-way, easement, reserve, etc.
- make any survey for the subdivision or resubdivision of any tract of land
- by the use of the principles of land surveying, determine the position for any monument or reference point which marks a property line, boundary, or corner, and set, reset, or replace any such monument or reference point
- determine the configuration or contour of the earth's surface, or the position of fixed objects thereon or related thereto, by means of measuring lines and angles or by satellite positioning
- practice geodetic or cadastral surveying
- determine the information shown or to be shown on any map or document prepared or furnished in connection with any one or more of the functions described in the statements above

The use of the title of "land surveyor," the procurement of land surveying work, or the operation of a business from which land surveying work is conducted are each considered the practice of land surveying. The use of any other title representing the above functions, or performing functions of other branches of land surveying, is also considered the practice of land surveying.

Registration

In the summaries which follow relative to registrations of surveyors and to the regulations of the practice of surveying, the term "Board" refers to the Board of Land Surveyor Examiners.

> **A person shall not practice or offer to practice land surveying, or use in connection with their name, or otherwise use, assume, or advertise any title or description to convey the impression of being a land surveyor, unless such person has qualified as such by registration as a land surveyor.**

The Board makes the final determination as to each applicant's qualifications and suitability for licensing as a Republic of Palau registered professional land surveyor.

Minimum evidence which the Board considers qualifying for registration includes:

- graduation from a 4-year approved course (acceptable to the Board) in land surveying from a university, college, institute, or school (recognized by the Board as of satisfactory standing), combined with at least 2 years of professional land surveying experience, and passing both oral and written examinations prescribed and administered by the Board, or

- 6 years of professional land surveying experience (acceptable to the Board), and passing both oral and written examinations prescribed and administered by the Board

Qualifying experience in professional land surveying can include:

- teaching land surveying in a university, college, or school (approved by the Board), or

- experience and training in the armed services or civilian government of the United States in geodesy or land surveying, or

- land surveying work which was under the direct supervision of a licensed land surveyor and from which the applicant can demonstrate professional-level responsibilities to the Board's satisfaction, or

- any combination of these experience factors

The satisfactory completion of each year of land surveying course work in a school or college approved by the Board as being of satisfactory standing, without graduation, can be considered

as equivalent to 1 year of experience. Graduation in a curriculum other than land surveying, e.g., civil engineering, physical science, etc., from a college or university of recognized standing may be considered equivalent to 2 years of experience; however, no applicant shall receive credit for more than 4 years of experience because of undergraduate educational qualifications under this latter provision.

The Board may issue a certificate of registration as a Palau land surveyor, without written examination, to any Palauan resident who holds a current valid certificate of registration as a land surveyor from other countries or their political subdivisions, provided that the applicant's qualifications meet all of the other requirements of this chapter. In considering the applicant's qualifications under this provision, the Board will use as a guideline the candidate's successful completion of the surveying examinations sponsored by the United States National Council of Examiners for Engineering and Surveying (NCEES). The Board will be the sole authority as to the NCEES equivalency of alternative written tests as demonstrated or proposed by an applicant desiring registration. There is no exemption under this reciprocity provision for passing the separate test for *Palau Land Surveying Principles* which is given only in the Republic of Palau.

The National Surveyor may, with the consent of the Director, Bureau of Lands and Surveys, issue a temporary land surveyor license to individuals or companies limited to the accomplishment of specific, singular land surveying projects. Each temporary license issued will expire 1 year from its approval date and may be renewed on a year-by-year basis for completion of the original project. The National Surveyor will ensure by documentation to the Board that each temporary licensee is fully qualified to fulfill the professional requirements of the particular project. The Board may reject, suspend, or revoke the temporary license if, after a formal hearing, it decides that professional land surveying work is not or is not capable of being performed.

A complete record of all applications for registration and the Board's relative actions and decisions is maintained. The Board prepares an annual report each July listing the names, places of business, and residences of all registered land surveyors. An annual report of activities is submitted by the Board to the President by December 1.

Work-Study Licensing Program

A Palauan citizen, 18 years of age or older, who has successfully completed a 6-year work and study program under the guidance and approval of the National Surveyor, may qualify to be registered by the Board as a Palau registered professional land surveyor. The program must include:

- completion of 2 academic years of technical education at the community college level, and

- part- or full-time public or private professional surveying under the supervision of a Palau licensed land surveyor which is equivalent to 4 full years of work

To qualify under the 6-year work-study program, the candidate must submit a proposal to the Board through the National Surveyor which outlines specific plans for meeting the educational and work experience requirements. The Board may modify or suggest changes to the candidate's proposal and designate the candidate as a surveyor-in-training at its discretion.

At the completion of the 6-year program, and upon passing the written and oral examinations as prescribed by the Board, the surveyor-in-training can petition the Board for professional licensing as a Palau registered professional land surveyor.

Examinations

Written and oral examinations will be administered by the National Surveyor as directed by the Board. The Board will schedule the dates and places for examinations at its discretion. Land surveying candidates are required to take all of the examinations produced by the U.S. NCEES and to take the *Palau Land Surveying Principles* test prepared by the Republic of Palau Bureau of Lands and Surveys.

Oral examinations are conducted by the Board for surveyor-in-training candidates and for professional land surveyor candidates who have passed all parts of the NCEES tests and the *Palau Land Surveying Principles* examination.

The purpose of the oral examination is to review the candidate's education and experience and to ensure that the candidate:

- is a resident of the Republic,

- is of good character and repute, and

- meets required professional qualifications

Prohibited Practices

Under penalty of misdemeanor law, a person shall not:

- practice, offer to practice, or represent themselves as entitled to practice land surveying except as authorized under Palau law,
- use or attempt to use a certificate of registration that has expired or has been suspended or revoked,
- present or use another person's certificate of registration with the intent of misrepresentation, or
- stamp or seal any document with the seal of a registrant after the certificate of the registrant has expired or has been suspended or revoked

Under penalty of felony law, a person shall not present any fake or forged information or evidence in applying for registration.

Annual Seminar

To be in full compliance with the Palauan surveying and land law, it is the surveyor's responsibility to review current statute law and to be fully aware of important traditional, common, and case law. The National Surveyor will conduct a yearly seminar on Palauan surveying law; attendance is optional. The Bureau of Lands and Surveys will inform all Palauan registered surveyors as to dates, places, and times. However, the annual seminar does not relieve the individual surveyor of legal and professional knowledge responsibilities as otherwise required.

Suspensions by the Board

The Board has the power, duty, and authority to investigate violations of Palauan surveying law and may suspend or revoke a certificate of registration on any of the following grounds:

- the registrant is practicing in violation of Palauan law,
- the certificate of registration has been obtained or the registrant has obtained such certificate by fraud or misrepresentation,
- the certificate of registration was obtained by bribery or payment of any money except fees as concurrently prescribed,

- the registrant is falsely impersonating a practitioner or former practitioner or is practicing under an assumed or fictitious name,

- the registrant has been convicted of an offense arising from or in connection with the practice of land surveying, or any offense involving moral turpitude, in which case a certified copy of the record of conviction shall be conclusive evidence,

- the registrant has aided and abetted in the practice of land surveying by any person not duly authorized to practice land surveying,

- the registrant has been guilty of fraud or deceit, or of gross negligence, incompetence, or misconduct in the practice of land surveying, or

- the registrant has permitted his seal to be affixed to any plans, specifications, or drawings that were not prepared by him or under his personal supervision, or by his employee or subordinate

Proceedings for suspension or revocation may be initiated upon complaint by any person or by the Board. All charges shall be in writing and sworn to by the person making them. All charges, unless dismissed by the Board as unfounded or trivial, shall be heard by the Board within 3 months after the date on which they have been proffered. The time and place for such hearing shall be fixed by the Board, and a copy of the charges, together with a notice of the time and place of hearing, shall be personally served upon or mailed to the last known address of such registrant at least 30 days before the date fixed for the hearing. At any hearing, the registrants shall have the right to appear personally and have counsel, to cross-examine witnesses appearing against them, and to produce evidence and witnesses in their own defense.

The Board, for reasons it deems sufficient, may reinstate registration to any person whose certificate has been revoked provided three or more members of the Board vote in favor of such reinstatement. A new certificate of registration may be issued to any person whose certificate has been revoked, lost, destroyed, or mutilated subject to the rules of the Board and upon payment of appropriate current fees.

Application for Registration

Application for registration shall be in writing as prescribed by the National Surveyor and shall:

- designate the registration applied for,

- show the applicant's education and a detailed summary of technical work,

- furnish not less than five references, at least three of which shall be with regard to technical work,
- set forth such other information as the Board may prescribe, or the applicant chooses to furnish, and
- be accompanied by current fees; no refund shall be made in the event registration is denied

The Board issues certificates of registration to successful applicants who have paid the appropriate registration fee. The certificate shows the full name of the surveyor, has a serial number, and is signed by the chairman and the secretary of the Board under the seal of the Board. The certificate is prima facie evidence that the person is a registered land surveyor authorized to practice professional land surveying in Palau. If the certificate is subsequently revoked or suspended, it shall be surrendered to the Board.

Term of Registration

Certificates of registration are issued in January of each year and expire on the last day of December of the second year following the year of issuance.

Certificates of registration for the surveyor-in-training status may be issued by the Board at any time of the year for a 6-year period. There are no registration fees for a surveyor-in-training certificate.

The National Surveyor shall notify registered Palauan land surveyors of their pending certificate expiration at least 60 days in advance. However, a lack of notification does not relieve the individual surveyor of responsibility for ensuring that a desired renewal is effected. The Board sets appropriate fees for renewal. The certificate renewal is confirmed by an official letter to the renewal applicant signed by the chairman and secretary of the Board. Requests for renewal may be submitted to the National Surveyor no sooner than November 1 of the year of expiration, and should be accompanied by appropriate documentation and fees.

Failure to make application for renewal by the last day of December in the year of expiration will cause subsequent renewal requests to be considered by the Board on a case-by-case basis. However, the Board will not honor any request for renewal after 1 year following the original expiration. The Board will determine appropriate late fees.

There is no renewal for the surveyor-in-training status.

Seals

Beginning January 1, 1995, the seal authorized by the Board can be of any suitable material approved by the National Surveyor. It is required to have an outer diameter of 1-1/2 inches and a delineated inner circle of 1 inch. The inner circle shall contain the name and registration number of the surveyor. In the area between the inner and outer circles and above the surveyor's name will be the words "Palau Registered," and in the same area, but placed below the registration number, will be the words "Professional Land Surveyor." Continued use of seals already in existence on January 1, 1995, will be permitted.

Plans, specifications, plats, and reports prepared by the surveyor shall be stamped with such seal when filed with the National Government during the term of the surveyor's registration. The date of expiration of the certificate of registration, the surveyor's signature, and the date of such signature is required to be written through the seal.

Survey projects which are accomplished through means of temporary licenses issued by the National Surveyor are considered approved when stamped by the National Surveyor or other Palau registered professional land surveyor designated by the Director, Bureau of Lands and Surveys. The signature and stamp of the temporary licensee on any survey plats or plans is also required.

Corporations

Land surveying may be performed by employees of a proprietorship, partnership, or corporation engaged in construction, manufacturing, transportation, distribution, or communications provided that it is performed by, or under the supervision of, a land surveyor registered by the Republic of Palau or issued a temporary license by the National Surveyor.

The practice or offer to practice land surveying for the public, by individuals duly registered under Palau law or issued a temporary license through a corporation as officers, employees, or agents, is permitted. Corporations organized after August 14, 1985, shall be required at all times to have the president of the corporation and a majority of the officers and directors registered as land surveyors by the Republic of Palau, and shall have been issued a certificate of authorization by the Board.

A corporation desiring a certificate of authorization shall file an application with the Board, using instructions provided by the Board, listing the names and addresses of all officers and Board members of the corporation. The listing shall also include the name of the individual or individuals duly registered to practice land surveying who shall be in responsible charge, as well as other information required by the Board. The same form, giving the same information, must accompany an annual renewal request. In the event there shall be a change in any of these

persons during the year, such change shall be designated on the same form and filed with the Board within 30 days after the effective date of the change. Original application and renewal fees are determined by the Board.

No corporation authorized to practice land surveying shall be relieved of responsibility for the conduct or acts of its agents, employees, or officers by reason of compliance with Palau land survey law, nor shall any individual practicing land surveying be relieved of responsibility for services performed by reason of their employment or relationship with a corporation. All final drawings, specifications, plans, reports, or other papers or documents involving the practice of land surveying, which are prepared or approved for use by a corporation, for delivery by it to any person, or for public record, will bear the signature and seal of the land surveyor who prepared or approved them.

Register of Licensed Surveyors

An accurate, current record (register) of Palau registered land surveyors, surveyors-in-training, and temporary licensees is maintained by the National Surveyor. The register is open for public inspection and certified copies may be obtained with payment of the current fee.

Palau Lands Registration Act (RPPL 2-24)

The Palau National Land Commission Act of 1985 was amended by RPPL 2-24, Palau Lands Registration Act, effective February 1987. The Act's primary purpose was to "proceed on a systematic basis" to register all Republic of Palau lands within 8 years and to determine the ownership of all lands not yet registered, including those lands which became "public lands" by adverse actions of previous occupying powers, and return these lands to the original owners. The Act also reorganized the Palau District Land Commission into the Palau Land Claims Hearing Office and placed its administration under the Republic of Palau national judiciary.

RPPL 2-24 specifically states that the statute of limitations and adverse possession may not be used in claims for public lands. All public land claims were to be filed no later than January 1, 1989, and the LCHO was to provide all determinations of ownership for the public lands by January 1, 1991.

The Palau Lands Registration Act is a detailed and extensive document outlining the duties, responsibilities, and organization of the LCHO; the administrative and legal processes for obtaining ownership determinations and title certificates; and the rules for transfers and encumbrances of interest in registered lands.

The Act requires that on designation of a registration area, surveys of the exterior bounds of the area and claim are to be performed, and markers placed within the area: "...after a

determination is made by the LCHO, the boundaries of the land...shall be shown by either permanent markers or by easily recognizable permanent, natural features...temporary monumentation may be used to the extent reasonably necessary to avoid disruption of, or delay in, the determination of claims."

Use of Aerial Cadastral Parcel Index (RPPL 3-18)

This Act (RPPL 3-18), effective November 1989, was constructed to allow the use of, in certain cases, photogrammetric (orthophoto) cadastral plats prepared by Hawaii Architects and Engineers, Inc. (HAE), in 1974-77 for the purpose of the issuance of certificates of title.

The contract agreement between HAE and the Trust Territory (TT) Government resulted in 302 orthophoto plats rectified by least squares analytical triangulation computation and adjustment methods. These 36- x 43-inch sheets are at a 1:2,000 scale and were intended to "define, survey, map and record each parcel of public land in...Palau." The Government was required by the contract to furnish "monumenting of parcels by Land Registration Teams." Boundary monuments were specified as 5/8- x 18-inch rebar topped with plastic identification caps.

By the terms of the contract, the Government was also assigned the responsibility for witnessing and furnishing the location and proof of ownership of the public land boundaries. The HAE plats were not prepared for approval by the TT surveying offices while these offices still existed. HAE subsequently declined to certify and approve the plats, alleging lack of authority to do so.

RPPL 3-18 gives authority to the Chief of Lands and Surveys and the National Surveyor to prepare and certify all 302 HAE plats, and for the LCHO to issue certificates of title based on the approval of the plats on a case-by-case basis pending verification by alternate surveying methods.

Case Law

It is important that the licensed Palauan surveyor adhere to the maxim of not making legal judgments pertaining to land boundaries or property rights; legal decisions, adjudications, and arbitrations are solely within the purview of the Palauan legal system. The surveyor does need to be thoroughly conversant with Palau boundary and property law in order to determine what decisions and actions are within or without the surveyor's duties and responsibilities. It is also necessary for the surveyor to be able to convey to clients when it is appropriate to confer with an attorney or Government authority.

Palauan case law is conveniently available in Volumes 1 through 8 of the Trust Territory Reports (TTR) containing the opinion of general interest of the High Court of the Trust Territory of the

Pacific Islands from 1952 to 1988. Subsequent opinions and decisions of the Palauan judiciary are available from the national law library administered by the Supreme Court of the Republic of Palau. The Trust Territory Reports are an excellent source for the surveyor to bring into focus relationships of various sets of laws which have influenced Palauan property rights over the centuries.

The synopses of High Court opinions which follow include selected cases relating to land rights as given in Volumes 1 through 8. To determine the thoughts and legal determinations in support of the decisions given, the surveyor will need to study the full text of the particular citation.

Ngirchongerung, Plaintiff
v.
Ngirturong and Reksid, Defendants
1 TTR 71

September 3, 1953

Action to determine ownership of land in Ngaraard Municipality, in which individual having use of land during his lifetime under Palau customary law was listed by Japanese land survey as private owner and attempted to dispose of it upon his death. The Trial Division of the High Court, Chief Justice E.P. Furber, held that under controlling Palau customary law, head of family has no authority to dispose of family land without family's consent.

1. **Palau Land Law - Family Ownership**
   Under Palau custom, assignment of family land to individual to use during his lifetime raises no presumption of ownership of anything more than use rights assigned, no matter how long individual lives and enjoys use of land.

2. **Palau Land Law - Family Ownership**
   Under Palau custom, fact that person holds title as head of family for many years and enjoys use of lands going with title does not give him power to dispose of land, regardless of how he acquired title.

3. **Palau Land Law - Family Ownership**
   Under Palau custom, chief of clan has no authority to dispose of family land owned by family within clan without consent of family.

4. **Palau Land Law - Family Ownership**
   Under controlling Palau custom, head of family has no authority to dispose of family land without consent of family.

5. **Palau Land Law - Japanese Survey - Rebuttal**
Recognition by Japanese Government surveyors of purported transfer of land in Palau is at most only some evidence that effective transfer has been made.

6. **Palau Land Law - Japanese Survey - Rebuttal**
Listing of ownership of land in Palau in report of Japanese survey of 1941 does not prevent court from inquiring into true situation.

7. **Palau Land Law - Japanese Survey - Rebuttal**
Where land in Palau was listed in Japanese survey as private property of individual in charge of it and who had lawful use of it, and represented it in dealings with outsiders, presumption of private ownership is weakened.

8. **Palau Land Law - Japanese Survey - Rebuttal**
Where listing of land in individual's name in Japanese survey may easily have occurred because of loose way of referring to title in Palau, and land often was listed in name of head of family without raising any discussion at time, presumption arising from listing of land in individual's name has been effectively rebutted.

Basehelai Baab, Plaintiff
v.
Klerang and Rudimch, Defendants
1 TTR 284

June 21, 1955

Action to determine ownership of land in Airai Municipality, in which plaintiff claims on behalf of clan that land in question is clan land, and defendant contends land was individual land of defendant's grantor. The Trial Division of the High Court, Chief Justice E.P. Furber, held that presumption arising from listing of land in Japanese survey as individual land is controlling.

1. **Palau Land Law - Japanese Survey - Presumptions**
Presumption that determinations made in Japanese land survey of 1941 were correct is strong in case of issues which were matter of controversy at that time.

2. **Palau Land Law - Japanese Survey - Presumptions**
In order to overcome presumption that determinations made in Japanese land survey are correct, there must be clear showing that determination in question is wrong, especially where listing in survey was not in individual name of one who was head of group which he would ordinarily represent in dealing with outsiders, and which now claims interest in the land.

Isebong, Plaintiff
v.
Sadang and Osarch Kodeb, Defendants
1 TTR 365

February 14, 1958

Action to determine rights in land in Ngaraard Municipality, in which defendants and their predecessors in interest regularly used land since German times, under claim of right and adversely to claims of clan represented by defendant. The Trial Division of the High Court, Chief Justice E.P. Furber, held that clan had ample opportunity to take matter up with Japanese administration and it is now too late to correct any wrong.

Former Administrations - Redress of Prior Wrongs
If transfers in 1920 of which party now complains were wrongful, it is now too late to expect courts of this administration to correct the wrong.

Fritz Rusasech, and Ngireblekuu Uchelmekediu, Appellants
v.
Trust Territory of the Pacific Islands, and
Joseph C. Putnam, its Alien Property Custodian, Appellees
1 TTR 472

September 4, 1958

Action to determine title of Ngercheu Island, in which plaintiffs are representatives of clan which owned land in question until it was taken by Japanese Government in 1927, without payment of compensation. On appeal from District Land Title Determination, the Trial Division of the High Court, Associate Justice Philip R. Toomin, held that adequate time had not been permitted for recourse to courts of prior government where taking was protested and such protest was pending and undisposed of in courts up to end of Japanese occupation.

1. **Former Administrations - Redress of Prior Wrongs**
   Where question for determination by court involves redress of ancient wrongs of prior power by successor power, international law and not traditional principles of equity jurisprudence are applicable.

2. **Former Administrations - Taking of Private Property by Japanese Government - Limitations**
Where claim for return of lands taken by Japanese Government in 1927 was undisposed of and pending in courts of Japanese administration at time war began, it was existing cause of action on December 1, 1941, and also on May 28, 1951, and is considered to have accrued on latter date (TTC, Sec. 324).

3. **Former Administrations - Taking of Private Property by Japanese Government - Limitations**
Where party's claim for return of land taken by Japanese Government in 1925 was effectively stayed by coming of war, and no machinery was set up by Trust Territory Government for filing of such claims until January 11, 1951, filing of claim with District Land Title Officer on May 25, 1954, was in apt time (Office of Land Management Regulation No. 1).

4. **Former Administrations - Taking of Private Property by Japanese Government - Limitations**
Where no final decision on claim for return of land was handed down by Japanese courts prior to coming of war, adequate time has not been permitted for recourse to courts.

5. **Eminent Domain - Generally**
Taking of private property for public use without adequate compensation violates Trust Territory Bill of Rights (TTC, Sec. 4).

6. **Former Administrations - Redress of Prior Wrongs**
Taking of private property which creates cause of action under law of Trust Territory is not sufficient to confer jurisdiction on court to redress wrongs in commission of which that Government had no part.

7. **Former Administrations - Recognition of Established Rights**
Matters of recognition by successor sovereign of equitable rights outstanding but undetermined at conclusion of prior sovereignty are not within purview of judicial branch except as they have been recognized by legislative branch.

8. **Trust Territory - Suits Against**
There can be no action against government for return of property in its possession or claimed by it without its consent.

9. **Former Administrations - Taking of Private Property by Japanese Government - Limitations**
Trust Territory administration policy statement regarding return of lands taken by Japanese Government from native owners is binding on courts until rescinded or modified (Policy Letter P-1, December 29, 1947).

10. **Former Administrations - Taking of Private Property by Japanese Government - Limitations**
Land transfers from non-Japanese private owners to Japanese Government, corporations, or nationals since March 27, 1935, are subject to review and are considered valid unless former owner establishes sale was not made of free will and just compensation not received (Policy Letter P-1, December 29, 1947).

11. **Former Administrations - Taking of Private Property by Japanese Government - Limitations**
Reasonable cutoff date for origination of claims against Trust Territory Government is entirely matter of legislative prerogative.

12. **Former Administrations - Taking of Private Property by Japanese Government - Limitations**
Where taking of private property by Japanese Government occurred prior to cutoff date set by legislature, but taking was protested and protest was pending and undisposed of in courts up to end of Japanese occupation, taking is considered to have been in suspense during entire period of controversy, and not a taking prior to cutoff date.

Ngiraibiochel, Appellant
v.
Trust Territory of the Pacific Islands, and
Joseph C. Putnam, Its Alien Property Custodian, Appellees
1 TTR 485

September 5, 1958

Action to determine title to [land] below high water mark in Koror Municipality. Land was owned by appellant during Japanese administration and was taken by Japanese Government after declaration that all land below high water mark was government land. On appeal from District Land Title Determination, the Trial Division of the High Court, Associate Justice Philip R. Toomin, held that neither under Japanese law nor under common law are there any rights possessed by party to utilize land between high and low water marks.

Affirmed.

1. **Former Administrations - Taking of Private Property by Japanese Government - Limitations**
   Decisions of former governments prior to March 27, 1935, relating to land ownership and rights are binding (Policy Letter P-1, December 29, 1947).

2. **Public Lands - Succeeding Sovereign**
   All rights in land acquired by German and Japanese Governments are property of Trust Territory Government (Policy Letter P-1, December 29, 1947).

3. **Former Administrations - Taking of Private Property by Japanese Government - Limitations**
   Land transfers from non-Japanese private owners to Japanese Government, corporations, or nationals since March 27, 1935, are subject to review and are considered valid unless former owner establishes sale was not made of free will and just compensation was not received (Policy Letter P-1, December 29, 1947).

4. **Former Administrations - Taking of Private Property by Japanese Government - Limitations**
   Where no claim is made by party that his land was transferred to Japanese Government or that consideration was paid by Japanese Government for tidal lands, Trust Territory administrative policy as to land transfers occurring since March 27, 1935, is not applicable (Policy Letter P-1, December 29, 1947).

5. **International Law - Sovereignty**
   Right to enact laws determinative of boundaries of land lying along shores of open sea is traditional attribute of sovereignty.

6. **Real Property - Shore Lands**
   Land along seashore which is covered by ebb and flow of tidewaters is real property and is exclusively subject to laws of country within which it is situated.

7. **Real Property - Shore Lands**
   Only that country within which land along seashore is situated can prescribe mode by which title thereto passes from one person to another or any interest therein gained or lost.

8. **Former Administrations - Applicable Law**
   Under League of Nations Mandate, Japan was free to apply its laws to Palau Islands to same extent as though they had been geographical division of the Japanese Empire.

9. **Former Administrations - Applicable Law**
Laws of Japan were legally applicable to Palau Islands from December 17, 1920, onward, at least until American occupation.

10. **Former Administrations - Official Acts**
Where there is no showing that Japanese proclamation regarding taking of tidal lands in Palau Islands operated in discriminatory fashion upon party's land or imposed unusual burdens on him, it will be upheld as within government's legislative competence.

11. **Trust Territory - Applicable Law**
Common law of England and statutes of Parliament in aid thereof and in force July 3, 1776, as interpreted by American decision, constitute law of Trust Territory except as otherwise provided in Trust Territory Code or by laws of Trust Territory in effect on date of adoption of Code or subsequently (TTC, Sec. 22).

12. **Trust Territory - Applicable Law**
Spanish, German, and Japanese laws are no longer in effect in Trust Territory except with respect to certain land laws and excepting also status of local customary law included within any repealed enactments (TTC, Sec. 23).

13. **Trust Territory - Land Law**
Law concerning ownership, use, inheritance, and transfer of land in effect in Trust Territory on December 1, 1941, remain in effect except as changed by written enactment under authority of Trust Territory Government (TTC, Sec. 24).

14. **Real Property - Shore Lands**
If Japanese proclamation concerning boundaries of private ownership of land along sea was in effect December 1, 1941, it furnishes rule for determining ownership of lands below high water (TTC, Sec. 24).

15. **Former Administrations - Applicable Law**
If Japanese proclamation concerning boundaries of private ownership of land along sea was not in effect December 1, 1941, ownership of such land must be determined by rules of common law.

16. **Public Lands - Shore Lands**
Under common law, land along sea below high water mark belonged to the crown, and was held in trust for benefit of all the people.

17. **Public Lands - Shore Lands**
Under American view, individual ownership of lands along navigable tidewaters extends only to high water mark.

18. **Public Lands - Shore Lands**
Under American view, State owns, in trust for the people, navigable tidewaters between high and low water marks within each State's boundaries, and soil under them, as inseparable attribute of State sovereignty.

19. **Former Administrations - Applicable Law**
Nothing in Trust Territory Code regarding exceptions to Japanese rule concerning lands below high water mark indicates legislative intent to make provisions retroactive (TTC, Sec. 32).

20. **Statutes - Construction - Prospective Effect**
Unless legislative intent to make statutory provisions retroactive clearly appears, they are to be given prospective effect only.

Udui Esebei, Appellant
v.
Trust Territory of the Pacific Islands, and
Joseph C. Putnam, its Alien Property Custodian, Appellees
1 TTR 495

September 6, 1958

Action to determine ownership of land in Ngaraard Municipality, in which land belonging to plaintiff's family was taken by Japanese Government in 1917 without payment of compensation or approval of landowners. The Trial Division of the High Court, Associate Justice Philip R. Toomin, held that since plaintiff had no adequate recourse to courts of Japanese Administration, and taking was not by free will and was without just compensation, land should be returned to plaintiff.

Reversed.

1. **Former Administrations - Recognition of Established Rights**
It is duty of nation receiving cession of land to respect all rights of property as those rights were recognized by nation making cession.

2. **Former Administrations - Redress of Prior Wrongs**
It is no part of duty of nation receiving cession of land to right the wrong which grantor may have committed upon every individual.

3. **Former Administrations - Redress of Prior Wrongs - Exception to Applicable Doctrine**
Exception to doctrine regarding the righting of ancient wrongs of grantor nation applies when wrongs occurred so recently before cession that individual may not have had time to appeal to courts or authorities of that nation for redress.

4. **Former Administrations - Redress of Prior Wrongs - Exception to Applicable Doctrine**
Unless there was inadequate time for individual to have recourse to courts of grantor nation to right alleged wrong, where matter was pending at time courts were closed because of war, there is no adequate basis for assumption of jurisdiction by Trust Territory courts.

5. **Former Administrations - Taking of Private Property by Japanese Government - Limitations**
Action filed by party in High Court of Japanese Government was existing cause of action at time further action was stopped on account of war.

6. **Former Administrations - Taking of Private Property by Japanese Government - Limitations**
For purpose of determining impact of limitations, any cause of action existing on May 28, 1951, is considered to have accrued on that date (TTC, Sec. 324).

7. **Trust Territory - Land Law - Limitations**
Period of 20 years is limitation of actions for recovery of land (TTC, Sec. 316).

8. **Former Administrations - Taking of Private Property by Japanese Government - Limitations**
Where action filed by party in High Court of Japanese Government was stopped on account of war, and Trust Territory law provides that cause of action existing on May 28, 1951, is considered to have accrued on that date, party's claim was existing cause of action on December 7, 1941, and also on May 28, 1951 (TTC, Sec. 324).

9. **Former Administrations - Taking of Private Property by Japanese Government - Limitations**
Where prosecution of party's claim was effectively restrained by coming of war, and no adequate machinery was set up by Trust Territory Government for filing of appellant's claims until January 11, 1951, party's claim filed with Land Title Officer on January 4, 1956, was filed in apt time (Land and Claims Regulation No. 1; Office of Land Management Regulation No. 1).

10. **Former Administrations - Taking of Private Property by Japanese Government - Limitations**
Where no final decision was received from Japanese courts on party's claim up to coming of war, adequate time has not been permitted within meaning of general principle regarding ancient wrongs of grantor nation.

11. **Eminent Domain - Generally**
Private property may not be taken for public use without consent or payment of just compensation (TTC, Sec. 4).

12. **Former Administrations - Taking of Private Property by Japanese Government - Limitations**
Land transfers from non-Japanese private owners to Japanese Government, corporations, and nationals since March 27, 1935, are subject to review, and are valid unless former owner establishes sale was not made of free will and just compensation not received (Policy Letter P-1, December 29, 1947).

13. **Former Administrations - Taking of Private Property by Japanese Government - Limitations**
Where taking of land was instituted prior to March 27, 1935, but taking was not unchallenged and was under rigorous attack while such claims were being processed, and taking was in suspense at date of declaration of war, it was not a taking prior to March 27, 1935.

14. **Former Administrations - Taking of Private Property by Japanese Government - Limitations**
Where taking of party's land occurred since March 27, 1935, and was not by free will and was without just compensation or payment, title will be returned to him.

Alfonso R. Oiterong, and
Techitong Remerang, Appellants
v.
Trust Territory of the Pacific Islands, and
Joseph C. Putnam, its Alien Property Custodian, Appellees
1 TTR 516

September 25, 1958

Action to determine ownership of land in Koror Municipality, in which plaintiffs claim as former owners of land taken from them by Japanese Government in 1927 and again in 1930, without payment of compensation. On appeal from District Land Title Determination, the Trial Division of the High Court, Associate Justice Philip R. Toomin, held that there are no equitable or legal grounds for dispossessing Trust Territory Government of ownership of premises in view of interval of time which has elapsed since plaintiffs were wrongfully deprived of title by former government.

Affirmed.

1. **Eminent Domain - Generally**
   Under present Trust Territory law, taking of private property without just compensation warrants legal action and ensures recovery of fair compensation (TTC, Sec. 4).

2. **Former Administrations - Redress of Prior Wrongs**
   Where taking of private property occurred during occupation of prior power, basis for making claim against present Trust Territory Government for dereliction of former government has no legal footing in legal or equitable principles.

3. **Former Administrations - Redress of Prior Wrongs**
   There are no legal or equitable grounds for dispossessing Trust Territory Government in ownership and use of property where long interval of time has elapsed since plaintiffs were wrongfully deprived of title thereto by former government.

4. **Former Administrations - Redress of Prior Wrongs**
   There is no legal basis upon which sovereign power can be required to right ancient wrongs committed against its subjects by prior power before cession or conquest of lands involved.

5. **Former Administrations - Redress of Prior Wrongs - Exception to Applicable Doctrine**
Only exception to rule regarding righting of ancient wrongs of former power is in cases where wrong occurred so closely to time of change of government as to have afforded aggrieved party no opportunity to obtain redress in courts.

6. **Former Administrations - Redress of Prior Wrongs - Exception to Applicable Doctrine**
Where taking of private property by Japanese Government occurred in 1919, exception to general rule as to righting of ancient wrongs of former government is not applicable.

7. **Former Administrations - Taking of Private Property by Japanese Government - Limitations**
Until Trust Territory Government has opened door to claims for redress of wrongs originating as far back as 1927 and 1930, court may not act where legislative branch has failed to do so.

Urrimech, Appellant
v.
Trust Territory of the Pacific Islands, and
Joseph C. Putnam, its Alien Property Custodian, Appellees
1 TTR 534

November 24, 1958

Action to determine title to land in Aimeliik Municipality, in which plaintiff claims as assignee of land formerly transferred by Japanese Government to plaintiff's grantor under agreement calling for rental payments for 25 years, after which title would vest. Plaintiff's grantor had made all but last payment when war broke out. On appeal from District Land Title Determination, the Trial Division of the High Court, Associate Justice Philip R. Toomin, held that upon payment to Trust Territory of last installment of rental due under contract, title to land will vest in plaintiff.

Modified.

1. **Homesteads - Generally**
Typical homestead entry involves gift of land from public domain upon consideration grantee develop, improve, and occupy it for stated number of years, after which title vests in grantee.

2. **Homesteads - Generally**
Typical homestead entry involves no payment other than effort expended and conditio s such as actual entry, residence, cultivation, and restrictions against alienation.

3. **Public Lands - Sale**
Where agreement between government and grantee of property contains no restrictions against alienation, nor requirements for development and occupancy, agreement is one of purchase on contract, with title to vest in grantee upon making final payment under contract.

4. **Public Lands - Sale**
Where government and grantee of property contract that latter will make payments for 25 years after which title to property will vest in him, and grantee transfers his interest after making payments for 24 years, transferee's 2 years of occupancy may be tacked on to transferor's 24 years to give transferee total over projected 25-year minimum under contract.

5. **Homesteads - Restriction Against Alienation**
Trust Territory restriction against alienation of land under homestead agreement is prospective only and did not take effect in Trust Territory until November 15, 1952 (Executive Order No. 31).

6. **Former Administrations - Recognition of Established Rights**
Where only Trust Territory Government can now deliver title to property as contemplated in agreement between Japanese Government and grantee of property, it is required to carry out agreement of prior government and deliver proper title.

7. **Former Administrations - Recognition of Established Rights**
Under rules of international law, when ceded or conquered territory passes from one sovereign to another, rights of citizens to their private property remain unaffected by change in government.

8. **Former Administrations - Applicable Law**
Under rules of international law, validity of rights of citizens to private property within ceded or conquered territory is determined by laws under which rights arose and existed.

9. **Former Administrations - Recognition of Established Rights**
Under rules of international law, property rights within ceded or conquered territory are entitled to protection, whether party had full and absolute ownership of land or merely equitable interest which required further act to vest in him perfect title.

10. **Former Administrations - Taking of Private Property by Japanese Government - Limitations**
From 1946 or 1947 until June 29, 1953, no comprehensive machinery was available to process claim against Trust Territory Government for return of land, nor could claim be effectively prosecuted until Trust Territory Government had consented to its enforcement.

11. **International Law - Sovereignty - Sovereign Immunity**
Implicit in sovereignty of nations is right to determine how, when, and under what circumstances they may be sued.

12. **Former Administrations - Recognition of Established Rights**
Where party's rights in land are enforceable against Trust Territory Government to same extent they could have been enforceable against prior government, title to land may be perfected under machinery made available by Trust Territory for processing of such claims.

Osima, Plaintiff
v.
Rengiil and Rechesengel, Defendants
2 TTR 151

November 17, 1960

Action to determine ownership of land in Ngaraard Municipality, in which plaintiff claims on behalf of clan and defendant claims as successor in interest of person listed in Japanese survey as individual owner. The Trial Division of the High Court, Chief Justice E.P. Furber, held that since plaintiff failed to sustain burden of showing survey determination was wrong, survey listing controls.

1. **Palau Land Law - Japanese Survey - Presumptions**
Determinations made in official Japanese land survey of 1941, while not conclusive, are entitled to great weight.

2. **Palau Land Law - Japanese Survey - Presumptions**
Burden is on party who disputes determination made in Japanese land survey to show that it is wrong.

3. **Palau Land Law - Japanese Survey - Presumptions**
Where party fails to sustain burden of showing that determination made in Japanese land survey of Palau Islands was wrong, presumption arising from listing in survey controls question of ownership.

Ucherbelau, Plaintiff
v.
Ngirakerkeriil, Defendant
2 TTR 282

November 30, 1961

Action to determine ownership of land in Koror Municipality which plaintiff claims is his individual land, and defendant representative of clan, contends is clan land. The Trial Division of the High Court, Chief Justice E.P. Furber, held that plaintiff has not sustained burden of proving determination in Japanese land survey, listing property as that of clan, is erroneous.

1. **Palau Land Law - Japanese Survey - Presumptions**
   Determinations made in official Japanese land survey of 1938-1941 in Palau Islands, while not conclusive, are entitled to great weight.

2. **Palau Land Law - Japanese Survey - Presumptions**
   Burden is on party who disputes determination made in Japanese land survey in Palau to show that it is wrong.

3. **Palau Land Law - Clan Ownership - Use Rights**
   Prior to Japanese land survey in Palau, reference to clan or lineage land as having been "given" to individual actually meant individual was given right to use land.

4. **Palau Land Law - Clan Ownership - Use Rights**
   Statements about "giving" of clan or lineage lands in Palau Island prior to Japanese land survey are not presumed to mean ownership as individual land was given.

5. **Palau Land Law - Clan Ownership - Use Rights**
   Statements regarding "giving" of clan or lineage lands in Palau Islands prior to Japanese survey are presumed to mean that individual was given only right to use land as long as he lived and fulfilled his obligations to clan or lineage in question.

Kensi Tellei and Joseph Tellei, Plaintiffs
v.
Ngodrii, Defendant
2 TTR 450

September 9, 1963

Action to determine boundary lines of parties' adjoining lands located in Koror Municipality. The Trial Division of the High Court, Chief Justice E.P. Furber, held that parties' mutual acceptance of boundary point will control as to position of corner in dispute.

1. **Real Property - Boundaries**
In construing deeds, quantity is least reliable of all descriptive particulars.

2. **Real Property - Boundaries**
Quantity description in deed must yield to monuments, natural or artificial, and to courses and distances, unless there is clear intent to convey certain quantity.

3. **Real Property - Boundaries**
Where parties claim quantity substantially greater than that mentioned in grants to them, they cannot rely upon intent to convey certain quantity.

4. **Real Property - Boundaries**
In case of conflict in description of boundaries of land, monuments, either natural or artificial, will ordinarily control all other calls.

5. **Real Property - Boundaries**
Descriptions of courses and distances and quantity will, in case of conflict, be controlled by and yield to description of natural object, landmark, or permanent artificial monument.

6. **Real Property - Boundaries**
Where boundary lines of adjoining landowners are not definitely known or their location is in dispute, owners may establish lines by written or oral agreement or by mutual recognition of and acquiescence in certain line as true boundary line.

7. **Real Property - Boundaries**
If adjoining landowners act fairly and honestly in agreeing as to boundaries when neither is sure of exact location of boundary lines, agreement is to be given effect notwithstanding they may have been mistaken as to location of line.

8. **Real Property - Boundaries**
Where owners of adjoining land reach mutual acceptance of same point on land sketch, their agreement controls position of corner in dispute.

Ngedrong Ibetang, Plaintiff
v.
Ngirmekur Sked and Obakrairur Sked, Defendants
2 TTR 454

September 9, 1963

Action to determine ownership of land in Ngardmau Municipality, formerly transferred from clan to lineage, after which lineage acquiesced in defendants' use of parts of land. The Trial Division of the High Court, Chief Justice E.P. Furber, held that land was not used by defendants long enough at any one time to give them ownership of land itself, but that defendants own plantings made by them and have right to go upon land and harvest them.

1. **Palau Land Law - Use Rights**
Under Palau custom, one may be allowed to plant on lands unused by owner, and although plantings belong to person making them, ownership of land itself is not transferred.

2. **Palau Land Law - Lineage Ownership - Use Rights**
Under Palau custom, where parties plant trees on land belonging to lineage with acquiescence of lineage, they are entitled to use trees and to go on premises for that purpose as long as trees bear reasonably well or until lineage arranges with parties to acquire ownership of trees.

Olkeriel Sechesuch, Representing the Ibau Lineage, Appellant
v.
Trust Territory of the Pacific Islands, and its Alien Property Custodian, Appellees

Trust Territory of the Pacific Islands, and its Alien Property Custodian, Appellants
v.
Odelomel Clan, represented by Rechirei, Appellee

Trust Territory of the Pacific Islands, and its Alien Property Custodian, Appellants
v.
Ngkekiiel Clan, Represented by Melimarang Ngirachitei, Appellee

Trust Territory of the Pacific Islands, and its Alien Property Custodian, Appellants
v.
Esel Clan, Iblong Clan, Ngkeklau Clan and Iberrong Clan, Represented by Soai Spis, Appellees
2 TTR 458

September 25, 1963

Actions to determine ownership of lands in Airai Municipality which was taken by Japanese Government without payment of compensation and against free will of claimants. On appeals from District Land Title Determinations, the Trial Division of the High Court, Chief Justice E.P. Furber, held that taking of which claimant had definite notice in 1933 cannot now be upset, but that claimants who had no definite notice of taking until 1940 are entitled to return of lands.

Affirmed in part and reversed in part.

1. **Former Administrations - Taking of Private Property by Japanese Government - Limitations**
   Where clan was definitely on notice by about 1933 that Japanese Government had claimed its land, so much time has elapsed between taking of land and end of Japanese administration that courts of present administration cannot properly upset it.

2. **Eminent Domain - Taking**
In United States, in order for action to constitute taking of land, without any formal condemnation proceedings, possession and use of land or beneficial enjoyment of it must be affected.

3. **Eminent Domain - Taking**
"Taking" under power of eminent domain is generally defined as entering upon private property and under warrant of legal authority devoting it to public use, or otherwise affecting it in such a way as to substantially deprive owner of beneficial enjoyment thereof.

4. **Eminent Domain - Taking**
Mere temporary entry on land for purpose of making survey of it is not enough by itself to constitute a taking.

5. **Eminent Domain - Taking**
Making of public recording of map showing proposed improvement of land does not constitute a taking in absence of special circumstances, such as further clear act evidencing intention to proceed according to map, or statute providing that recording of map shall operate as a taking.

6. **Former Administrations - Taking of Private Property by Japanese Government - Limitations**
Policy established by Trust Territory regarding relief from taking of lands by Japanese Government is binding on court until such time as it is rescinded or modified (Policy Letter P-1, December 29, 1947).

7. **Former Administrations - Taking of Private Property by Japanese Government - Limitations**
For purpose of applying Trust Territory policy regarding relief from taking of lands by Japanese Government, taking of land of which owner had no notice until 1940 is considered to have been made in 1940 (Policy Letter P-1, December 29, 1947).

8. **Former Administrations - Taking of Private Property by Japanese Government - Limitations**
Land transfers from non-Japanese private owners to Japanese Government, corporations, or nationals since March 27, 1935, are considered valid unless former owner establishes sale was not made of free will and just compensation not received (Policy Letter P-1, December 29, 1947).

9. **Former Administrations - Taking of Private Property by Japanese Government - Limitations**
Clear intent of Trust Territory policy regarding relief from transfer of lands to Japanese Government from non-Japanese owner applies to a taking just as much as to purported sale (Policy Letter P-1, December 29, 1947).

Rekewis and Ngirakesau, Plaintiffs
v.
Ngirasewei, Defendant
2 TTR 536

February 5, 1964

Action to determine ownership of land in Ngaraard Municipality which was listed in Japanese survey of 1938-1941 as party's individual land by agreement of clan leaders and which was subsequently cleared and planted by that party. The Trial Division of the High Court, Chief Justice E.P. Furber, held that where clan acquiesced in land becoming individual land of party, presumption arising from listing in survey report is controlling.

1. **Palau Land Law - Clan Ownership**
Regardless of whether Palauan clan or one of groups within it formerly owned land, or whether it was abandoned by former owners, development of land by individual member gives him strong claim to it in any division of land clan might make.

2. **Palau Land Law - Japanese Survey - Presumptions**
Where Palauan clan acquiesced in listing of land in Japanese survey as member's individual land, presumption arising from survey report is controlling.

Ngiruchelbad, Appellant
v.
Merii, et al., Appellees
2 TTR 631

November 1, 1961
See also 1 TTR 367

Appeal from the Trial Division of the High Court, Palau District, involving a land dispute. The Appellate Division of the High Court, in a Per Curiam opinion, held that Palau customary land law was superseded by administrative regulations of the Japanese administration, which would not be set aside by court of subsequent administration.

Affirmed.

1. **Wills - Holographic**
   Where holographic will makes no mention of disputed lands and is filed 7 years before death of testator, nuncupative will may supersede it.

2. **Palau Land Law - Individual Ownership**
   Individually owned land had no place in Palau customary law, but was introduced by German administration.

3. **International Law - Sovereignty**
   All persons and property within territorial jurisdiction of sovereign are amenable to regulation of terms and conditions on which real or personal property within territory may be transmitted.

4. **International Law - Sovereignty**
   Rights and interests in private property located in territory acquired by conquest, cession, or treaty are defined, held, and transmitted under laws of new sovereign.

5. **Trusteeship - Administering Authority - Powers**
   Administering authority has full powers of administration, legislation, and jurisdiction over Trust Territory (Trusteeship Agreement, Article 3).

6. **Trust Territory - Land Law**
   Land law in effect in Trust Territory in 1941 remains in full force and effect except as changed by written enactment (TTC, Sec. 24).

7. **Palau Land Law - Generally**
   Palau custom is not sole criterion to be considered concerning title to land in Palau.

8. **Custom - Applicability**
   Custom in conflict with existing statutory provision is void.

9. **Former Administrations - Applicable Law**
   Same rules of construction which apply to statutes govern interpretation of administrative rules and regulations of Japanese administration.

10. **Palau Land Law - Japanese Survey - Presumptions**
    Japanese land survey in Palau confirmed individual title to land.

11. **Statutes - Construction**
Under rules of statutory construction, court looks to law when statute was enacted to see for what it was intended as a substitute, and defects in old law sought to be remedied by new statute.

12. **Palau Land Law - Individual Ownership**
Purpose of introducing individual land ownership in Palau was to get away from complications of matrilineal clan and lineage systems.

13. **Former Administration - Redress of Prior Wrongs**
Present government is not required as matter of right to correct wrongs of any former administration.

Indalecio Rudimch, Plaintiff
v.
Taktai Chin and Rdialul T. Rengiil, Defendants
3 TTR 333

November 6, 1967

Action to determine title to land in Koror Municipality, in which defendant Chin moved for relief from previous summary judgment for plaintiff. The Trial Division of the High Court, Associate Justice D. Kelly Turner, denied the motion and held that defendant Chin had no claim to land under Palauan custom, nor by virtue of his purchase agreement with former owner's stepson as he had failed to obtain written deed and record it with the Clerk of Courts, thereby leaving his interests without protection against plaintiff, subsequent good-faith buyer, without notice, who recorded his deed.

Motion denied.

1. **Palau Land Law - Individual Ownership - Transfer**
Under Palau custom, stepson of landowner is authorized to negotiate sale of land in behalf of stepfather and prospective buyer is justified in dealing with stepson.

2. **Palau Land Law - Individual Ownership - Transfer**
Although under Palau custom stepson is authorized to negotiate sale of stepfather's land, owner has right to sell if stepson's prior attempt to sell is not completed for failure to settle on terms.

3. **Palau Land Law - Recording**
Where purchaser of property in Palau fails to obtain written deed and record it with Clerk of Courts, his interests are unprotected as against subsequent good faith buyer, without notice, who records his deed.

4. **Palau Land Law - Recording**
Party's occupancy of land in Palau since 1946 does not, as matter of law, give notice of claim of ownership as against recorded title determination of 1957, and subsequent purchaser has right to rely on record title and obligation under law requiring recordation of subsequent interests (TTC, Sec. 1023).

5. **Palau Land Law - Individual Ownership - Transfer**
Under Palau custom, party having interest in land cannot transfer it without obtaining consent from her children and other relatives, and her promise to give it to third party has no effect without such consent.

6. **Trust Territory - Land Law**
Land law custom, as it existed in 1941, remains operative and in effect in Trust Territory except when changed by express written enactment (TTC, Sec. 24).

7. **Trust Territory - Land Law - Effect of Title Determination**
When title determination has become final, it prevails over any claims or interests thereafter asserted which are founded upon land custom existing prior to the determination (Office of Land Management Regulation No. 1).

Keltnguul Ngirudelsang, Plaintiff
v.
Pius Itol, Defendant
3 TTR 351

November 16, 1967

Action to determine title to land in Koror Municipality, which plaintiff claims on behalf of his clan, and defendant claims as heir of individual who once owned it as his individual land. The Trial Division of the High Court, Associate Justice D. Kelly Turner, granted defendant's motion for judgment based on plaintiff's failure to establish definite location of land and to rebut Japanese survey which lists land as individually owned by defendant's predecessor.

1. **Palau Land Law - Clan Ownership**
Purported descent of house site in male line, either to male's heirs or to his clan, is most unlikely under generally recognized Palau custom of descent through female line.

2. **Real Property - Boundaries**
When definite boundaries are either uncertain or in dispute, lines agreed upon or generally recognized and accepted, even though erroneous, are accepted by courts.

3. **Palau Land Law - Japanese Survey - Presumptions**
Japanese survey and Tochi Daicho ownership listing of land in Palau are presumed to be correct.

4. **Palau Land Law - Japanese Survey - Presumptions**
Presumption that determinations made in official Japanese land survey in Palau Islands are correct is strong in case of issues which were matter of controversy at the time, and there must be strong showing that determination in question is wrong to overcome such presumption.

5. **Palau Land Law - Japanese Survey - Presumptions**
Presumption that determinations made in official Japanese land survey in Palau Islands are correct is especially strong where listing made in survey was not in individual name of one who was head of group which he would ordinarily represent in dealing with outsiders and which now claims interest in the land.

6. **Palau Land Law - Japanese Survey - Presumptions**
Presumption that determinations made in official Japanese land survey in Palau Islands are correct covers situation where issues were not in controversy at time survey was made.

7. **Equity - Laches**
Where party who claims title to land in Palau Islands on behalf of clan had opportunity to raise claim in Japanese courts in 1942, and again at hearing of title determination and subsequent civil action, party has delayed too long in asserting clan's interests.

Owang Lineage, Plaintiff
v.
Techiau Ngiraikelau, Ais and Ucheliei Gibbons, Defendants
3 TTR 560

May 21, 1968

Action to determine title to land in Koror. The Trial Division of the High Court, D. Kelly Turner, Associate Justice, held that court could correct manifest error made in land title determinations and held that a listing in the Tochi Daicho as to title to land is to be followed unless there is clear and compelling evidence that it is improper.

1. **Courts - High Court**
   The Trial Division of the High Court may correct manifest error in land title determinations.

2. **Judgments - Res Judicata**
   Where an action was filed within 1 year of the erroneous judgment in a case concerning land in question, court was not bound by the doctrine of res judicata and could decide the present case upon the evidence adduced.

3. **Palau Land Law - Japanese Survey - Presumptions**
   Court follows the Tochi Daicho listing of land ownership unless there is clear and compelling evidence it is improper.

4. **Palau Land Law - Japanese Survey - Rebuttal**
   Determinations made in the official Japanese land survey of about 1938-1941, while not conclusive, are entitled to great weight and the burden is on one who disputes such a determination to show that it is wrong.

Victoria Johanes, Plaintiff
v.
Risong Mechol, Renguul, and Unibalt Tellei, Defendants
4 TTR 201

January 9, 1969

Action to recover land sold without clan consent. The Trial Division of the High Court, D. Kelly Turner, Associate Justice, held that an individual may not transfer his land which is part of clan holdings without consent of clan and also that whether Tochi Daicho listing of land ownership is erroneous or not, an innocent buyer is entitled to rely upon it.

1. **Palau Land Law - Clan Ownership - Transfer**
An individual may not transfer his land, which is a part of clan holdings, without first obtaining consent of the clan members.

2. **Palau Custom - Clans - Membership**
Under Palau custom clan members should have assumed responsibility for debts incurred by clan member.

3. **Palau Land Law - Japanese Survey - Presumptions**
Whether the Tochi Daicho listing of ownership of land was erroneous or not, a land buyer is entitled to the benefit of the presumption that the listing correctly showed the status of the title.

Lalii Silvester, Plaintiff
v.
Omlei Muchucheu, and Ngiratkel Etpison, Defendants
4 TTR 226

January 21, 1969

Action to determine boundary line. The Trial Division of the High Court, D. Kelly Turner, Associate Justice, held that while normally area of land conveyed is the least reliable method of locating boundary lines the defendant, having failed to remove the uncertainty as to the location of a missing monument, was bound to accept the surveyor's depiction of the boundary based upon the computation of area.

1. **Real Property - Boundaries**
Normally, area of land conveyed is the least reliable method of locating boundary lines.

2. **Real Property - Boundaries**
In locating boundary lines, monuments control courses and distances, and courses and distances control quantity; but where there is uncertainty in specific description, the quantity named may be of decisive weight, and necessarily so if the intention to convey only so much and no more is plain.

3. **Real Property - Boundaries**
Having failed to remove the uncertainty as to the location of a missing monument, defendant was bound to accept the surveyor's depiction of the boundary based upon the computation of area.

Oucherechar Clan, Represented by Brobesong, Plaintiff
v.
E. Termeteet and Ngiwal Municipality,
Represented by Ignacio Sadang, Magistrate, Defendants

Uchesbai Clan, Represented by Kodep Iong, Plaintiff
v.
E. Termeteet and Ngiwal Municipality,
Represented by Ignacio Sadang, Magistrate, Defendants
4 TTR 285

February 17, 1969

Actions to determine ownership to land in Ngiwal Municipality, Palau District. The Trial Division of the High Court, D. Kelly Turner, Associate Justice, held that by not acting regarding the transactions involved for a period of 20 years, any claim the various clans may have had to the land in question had been waived.

1. **Palau Land Law - Clan Ownership - Use Rights**
The assignment of clan or family land to an individual to use is commonly made under Palau custom for the remainder of that individual's life, and the mere fact that such an individual lives a long time and consequently enjoys the use of the land for a long period raises no presumption of ownership of anything more than the use rights assigned.

2. **Palau Land Law - Japanese Survey - Rebuttal**
Boundaries marked after a Japanese hearing on the subject would control over listing in Tochi Daicho.

3. **Palau Land Law - Clan Ownership - Transfer**
Where clans made no complaint or objection either to use of land for school purposes or for the payment to title bearer of damages for cutting trees thereon, any claim they may have had was waived by their prolonged failure to assert their interests.

4. **Real Property - Quiet Title - Presumption of Ownership**
Occupancy and use, long continued undisturbed, raises a presumption of ownership.

Kalisto Bwanus, Plaintiff
v.
Kiosi Metsifista, and Margarita, Defendants
4 TTR 404

August 5, 1969
See also 4 TTR 407

Action to determine boundaries to certain parcels in Tobi Municipality, Palau District. The Trial Division of the High Court, D. Kelly Turner, Associate Justice, held that in the absence of a Japanese survey of land in question the Master properly applied customary land law to determine boundaries in question.

1. **Palau Land Law - Japanese Survey - Tobi Island**
   The Japanese, during their administration, did not make a land survey on Tobi Island.

2. **Palau Land Law - Generally**
   The customary land law on Tobi Island is similar to the customary law of Koror and Babelthaup Islands.

Rikrik Basilio, Plaintiff
v.
Kiosi Metsifista, Defendant
4 TTR 407

August 5, 1969
See also 4 TTR 404

Action to determine boundaries of certain parcels of land in Tobi Municipality, Palau District. The Trial Division of the High Court, D. Kelly Turner, Associate Justice, approved Master's division of land and held that local custom recognized separate ownership of bearing coconut trees from ownership of land.

Palau Custom - Coconut Trees
Traditional custom recognizes separate ownership of bearing coconut trees from ownership of the land.

Ereang Armaluuk, Plaintiff
v.
Orrukem, Dibech Wong, and
Takada Spoons, Defendants
4 TTR 474

December 30, 1969

Action for recovery of property in Airai Municipality, Palau District. The Trial Division of the High Court, D. Kelly Turner, Associate Justice, held that where a person stands by and lets someone else openly and actively use or publicly claim ownership of land, the person who so stands by a long time will have lost whatever rights he may have had and the court will not assist him in regaining such rights.

1. **Palau Land Law - Lineage Ownership - Transfer**
   Under Palauan custom, ownership of land by a lineage or family requires unanimous consent of the senior family members before it may be transferred.

2. **Real Property - Sales - Bona Fide Purchaser**
   Where purchaser testified that District Land Management Office records and seller's assurances caused her to believe land could legally be sold to her, she became an innocent purchaser without notice of plaintiff's claim; plaintiff's suit not filed until 6 months after purchase.

3. **Real Property - Sales - Bona Fide Purchaser**
   As between two innocent persons, the party whose inaction made it possible for the loss to occur bears the loss.

4. **Trust Territory - Land Law - Adverse Possession**
   The Trust Territory 20-year statute of limitations for adverse possession of land does not become operative until 1971 because Section 316 of the Code did not go into effect until May 28, 1951 (TTC, Sec. 316).

5. **Real Property - Quiet Title - Laches**
   The doctrine of stale demand is based on the theory that if a person of sound mind stands by for 20 years or more and lets someone else openly and actively use or publicly claim ownership of land, the person who so stands by will ordinarily be held to have lost whatever rights he may previously have had in the land and the Courts will not, and should not, assist him in regaining such rights.

Yano K. Mariur, Plaintiff
v.
Ibedul Ngoriakl and Roman Tmetuchl, Defendants
and Roman Tmetuchl, Complainant
v.
Ngiramechelbang, Third Party Defendant
5 TTR 232

June 30, 1970

Action to determine ownership of certain lots in Palau. The Trial Division of the High Court, D. Kelly Turner, Associate Justice, held that while court would not upset public and official designation of land in question as chief's title land, such property could not be taken from the individual owner for public use without just compensation.

1. **Trust Territory - Land Law**
   Section 24 of the Trust Territory Code established the land law as that which was in effect as of December 1, 1941, until changed by statute and Japanese land law which recognized and approved, prior to December 1, 1941, transfer in question was binding (TTC, Sec. 24).

2. **Palau Land Law - Chief's Title Land**
   Under Palauan custom, clans and lineages within clans set aside chief's title houses or sites for title houses and when an Ibedul is authorized to do so, the court will not upset his public and official declaration that he holds such property as titleholder for the clan.

3. **Eminent Domain - Taking**
   An individual's property cannot be taken from him for a traditional clan use without just compensation either under the custom or appropriately under the Bill of Rights portion of the Code (TTC, Sec. 24).

4. **Eminent Domain - Taking**
   An individual whose land is taken, without just compensation, for clan use is entitled to replacement of his land.

5. **Real Property - Sales**
   Although clan titleholder made a good faith exchange of clan land to another, he could not effectively transfer a portion of land held by another where the clan did not own such land.

Kubarii Ngirudelsang, Appellant
v.
Imeong Etibek, Appellee
6 TTR 235

June 12, 1973

Appeal from Palau Land Commission title determination. The Trial Division of the High Court, D. Kelly Turner, Associate Justice, reversed where presumption that Tochi Daicho registration was correct had not been overcome, yet title had been found to lie elsewhere than as shown by the Tochi Daicho survey.

1. **Palau Land Law - Japanese Survey - Presumptions**
   Registration in the Tochi Daicho land survey is presumed correct, and where there was nothing in the record to overcome the presumption, land registration team and Palau District Land Commission improperly found title to lie elsewhere.

2. **Palau Land Law - Clan Ownership - Title**
   Court would not, upon reversal of Palau District Land Commission title determination, name appellant, a strong female member of the clan title was found to lie in, as trustee, where under Palauan custom, clan land is administered by the strongest male and it is for the clan to decide whether the land will be administered by someone other than the strongest male.

Tebengel Alik, Plaintiff
v.
Elechel Trolii and Becheserrak, Defendants
6 TTR 317

August 29, 1973

Ejectment action presenting boundary line dispute. The Trial Division of the High Court, D. Kelly Turner, Associate Justice, held that where 1955 government survey sought to locate boundaries established by prior Japanese survey, and 1967 or 1968 survey by District Land Title Officer ran the lines over again between the 1955 survey markers, the procedure conformed with law, and where, based on those lines, defendant's occupancy was on plaintiff's land rather than adjoining government land, defendant would be ordered to surrender possession and occupancy and remove his buildings.

1. **Boundaries - Ascertainment - Size of Tract**
The size of the area which boundary lines are presumed to encompass is the least dependable of all the methods of ascertaining the boundary lines.

2. **Boundaries - Surveys - Purpose**
Resurvey of land was governed by former survey, as the object of a resurvey is to furnish proof of location of last lines or monuments, not dispute the correctness of, or govern as against, a former survey.

3. **Boundaries - Boundary Disputes - Particular Disputes**
Where 1955 government survey sought to locate boundaries established by prior Japanese survey, and 1967 or 1968 survey by District Land Title Officer ran the lines over again between the 1955 survey markers, the procedure conformed with law, and where, based on those lines, defendant's occupancy was on plaintiff's land rather than adjoining government land, defendant would be ordered to surrender possession and occupancy and remove his buildings.

Iseko Ngiramelkei, Plaintiff
v.
Baules Sechelong and Ebiledil Mekesong, Defendants
7 TTR 119

September 13, 1974

Dispute over title to land. The Trial Division of the High Court, Hefner, Associate Justice, held that the evidence showed that decedent had been given permission by the clan's titleholder to use the land when it was village land, that the use of the land and the building of a house on the land gave decedent no rights, and that the land was to be held, on decedent's death, by the titleholder for the clan and could not be passed, either by will or deed, by decedent to his wife.

1. **Palau Land Law - Village Land - User's Rights**
Where evidence showed that land decedent had used and built a house on was public or village land, not decedent's individual land, decedent had no authority to will or deed the land to his wife as her individual land and the land was to be held and administered for the village by the clan's titleholder.

2. **Palau Land Law - Village Land**
Public or village land is held by the titleholder for the village and can be disposed of only in certain ways.

3. **Palau Land Law - Village Land - User's Rights**
An individual may be given permission to use village land, but vested rights in the land do not accrue to the individual either by the permission or the use.

4. **Palau Land Law - Village Land**
It is the custom that village land is held in the name of the titleholder of the clan.

Orrenges Thomas, Plaintiff-Appellee
v.
Trust Territory of the Pacific Islands,
Defendant-Appellant
8 TTR 40

May 23, 1979

Dispute over ownership of land. The Appellate Division of the High Court, Hefner, Associate Justice, held that where German Government was deeded clan land by head of clan in 1909, and the Japanese later acquired the mineral rights, but apparently did not also acquire the land itself, when the United States took the island containing the land the United States acquired all rights of prior sovereigns, including the German administration's rights to the lands transferred by the 1909 deed; and as rights of the United States were represented by the Trust Territory, when the clan, in the 1960's, filed a claim to the land and was given a quitclaim deed in exchange for a release of the claim, the clan received consideration for its release and the government gave up its interest in the land, except for land retained under the quitclaim deed for United States Coast Guard use.

1. **Palau Land Law - Alienation of Land of Another Clan**
Palauan customary land law provides that a head of one clan cannot alienate land belonging to another clan.

2. **Palau Land Law - Clan Ownership - Transfer**
Under Palauan customary land law the only way clan or lineage land can be transferred is when the consent of the senior members of the clan is obtained.

3. **Deeds - Consideration - Presumptions**
Consideration was presumed where deed recited that 1,200 German marks were paid the sellers of the land for the land.

4. **Palau Land Law - Clan Ownership - Transfer**
It would be presumed that head of clan had the consent of the senior members of the clan to sign deed transferring ownership of clan land where no evidence appeared of any attempt of the clan to rescind or revoke the transfer.

5. **Palau Land Law - Alienation of Land of Another Clan**
Where there were 18 clans on island and the heads of three clans signed deed transferring ownership of the island to the German Government, the signatories did not have authority to transfer the whole island, but the clan heads who did sign could and did transfer the land of their clans.

6. **Palau Land Law - Clan Ownership - Transfer**
Where clan head transferred clan land by deed and there was no evidence clan attempted to rescind or revoke the transfer, the clan was estopped from denying the transfer.

7. **Palau Land Law - Clan Ownership - Release**
Where German Government was deeded clan land by head of clan in 1909, and the Japanese later acquired the mineral rights but apparently did not also acquire the land itself, when the United States took the island containing the land, the United States acquired all rights of prior sovereigns, including the German administration's rights to the lands transferred by the 1909 deed; and as rights of the United States were represented by the Trust Territory, when the clan, in the 1960's, filed a claim to the land and was given a quitclaim deed in exchange for a release of the claim, the clan received consideration for its release and the government gave up its interest in the land, except for land retained under the quitclaim deed for United States Coast Guard use.

Augustine H. Moses, Plaintiff-Appellant
v.
Kunibert Joseph Ucherbelau, Defendant-Appellee
8 TTR 217

December 4, 1981

Dispute over boundary lines between the owners of adjacent properties. The Appellate Division of the High Court, Nakamura, Associate Justice, held that the trial court properly found a binding agreement between two clans as to the disputed boundary, and therefore affirmed the judgment of the trial court.

1. **Appeal and Error - Scope of Review - Weight of Evidence**
Appellate Division's function is not to reweigh the evidence, and it will not set aside the findings of the trial court unless there is manifest error or the findings are clearly erroneous.

2. **Palau Land Law - Boundary Lines**
An unascertained or disputed boundary line dividing the lands of adjoining owners may be permanently and irrevocably established by a parol agreement of the adjoining owners.

3. **Palau Land Law - Boundary Lines**
Where members of two clans agreed to establish and did establish boundary lines which were later formalized in an official map, the boundary lines were known by the general populace, and acquiescence in the agreed upon boundary lines by both clans continued for a period of more than 20 years, and both clans accepted quitclaim deeds from the government based upon such boundary lines, the trial court properly found a binding agreement between the two clans with respect to the boundary lines.

4. **Palau Land Law - Boundary Lines**
In a dispute over boundary lines, the trial court did not err in refusing to place disputed land in a constructive trust on the basis that one of the parties submitted false information concerning the correct boundaries, since nothing in the record supported such an allegation.

5. **Appeal and Error - Affirmance - Grounds**
Judgment of the trial court was affirmed on appeal, where ample, competent evidence existed to support its findings and conclusions where challenged by the appealing party.

Fumio Sn Rengiil, Plaintiff
v.
Aichi Ngirchokebai,
Tadao Ngotel, and
Riuch Ngiruchelbad, Defendants
1 Republic of Palau Intrm. 197

March 3, 1985

"The only purpose of the recordation statute, 57TTC #11202, is to protect a purchaser against an alleged prior transfer. It is not true...that to be effective 'a transfer must be recorded'" (Llecholch v. Blau, 6 TTR 525).

The common law rather than the statutory law in the United States is applicable in the Trust Territory Code. In the United States, the common law relating to land transfer has largely been codified by statute. Most of it is therefore not applicable to land transfers in the Trust Territory (George v. Walder, 5 TTR 9).

Custom is no longer the sole criteria upon which to gauge the enforceability of transactions. It changes to meet current needs and requirements in a changing society.

It is a generally accepted rule that a usage or custom in conflict with an existing statutory provision is void. No custom, however long and generally it has been followed, can nullify the plain purpose and meaning of a statute (Ngiruchelbad v. Merii, 2 TTR 631).

Rubeang Ngiradilubech
Plaintiff/Appellant
v.
Tmatk Timulech
Defendant/Appellee
1 Republic of Palau Intrm. 625

May 22, 1989

"We feel no hesitation in holding, therefore, in accordance with that wealth of precedent, that except for Peleliu and Angaur, the Tochi Daicho is presumed to be correct, and that the burden is on the party contesting a Tochi Daicho listing to show by clear and convincing evidence that it is wrong."

Besebes Osarch
Plaintiff/Appellee
v.
Elia Kual
Defendant/Appellee
2 Republic of Palau Intrm. 90 (1990)

The doctrine of adverse possession had no applicability to Palau until May 28, 1951, when Section 316 (later codified at 6 TT 302) went into effect.

Esebei Espangel,
Appellant/Cross Appellant
and
Ucheliou Clan,
Appellant/Cross Appellant
v.
Valentine Triso, et al.,
Appellees-Appellants
2 Republic of Palau Intrm. 315 (1991)

In 1904, a typhoon struck the low-lying islands of Pulo Anna, Merir, and Hatohobei. These islands, along with Sonsorol and Helens Reef, comprise the Southwest Island group of the Republic of Palau archipelago.

The German Government, which occupied the Palau archipelago in 1904, sent the German schooner Bicant to provide assistance. Approximately 150 persons from Merir and Pulo Anna (hereinafter known as "settlers") boarded the Bicant and were transported to Koror, where they were placed temporarily in a Government compound. Because considerable land in Arakabesang Island was not under cultivation, Espangel Ewatel, Chief of the Omrekongel Clan, and the German Commander, Winkler, decided to locate the settlers there. The descendants of these settlers now claim land on Arakabesang Island as heirs, donees, and devisees of members of the original group transported to Koror in 1904.

During land hearings conducted by the Government of the Empire of Japan, which occupied the Palau archipelago from 1917 until 1945, it was determined that the settlers and their descendants held the land at issue in this case in fee (*Translation of Japanese Land Documents*, Film Roll No. 25, Vol. I, Doc. Serial No. 8A-225-8A-314). The results of the hearings were then recorded in the Tochi Daicho.

Also at issue is the effect of the *1962 Trust Territory Land Settlement Agreement and Indenture* (the "1962 Agreement") between the clans and the Trust Territory Government, by which the Trust Territory Government, successor in interest to the defeated Japanese Government, divested itself of most of the lands in dispute.

The clans claim that the 1962 Agreement "returned" the lands to them in exchange for guarantees that would allow the settlers occupying certain Echang land to remain there in perpetuity. Nothing in the record shows that the settlers were party to the 1962 Agreement.

There is no support, however, for the clans' contention that the clans were to receive all of the disputed lands in return for giving a use right to certain Echang land to the settlers.

The Trust Territory Government inherited the defeated Japanese Government's obligation to pay for or to return the lands seized to those persons occupying the land prior to its seizure. "[T]he conqueror should be bound to fulfill the obligations of the conquered state" [45 Am. Jur. 2nd International Law }34, 35 (1969)].*

* The cumulative weight of 1) the long-term cultivation of the disputed lands by the settlers, 2) the decisions in the Japanese hearings, 3) the listings in the Tochi Daicho, 4) the 1962 Agreement, and 5) the decisions by the Palau Land Commission all support original claim of settlers.

Chapter 3: Systems, Methods, and Accuracies

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Palau Survey System

Palau Coordinate System

The Palau Coordinate System is referenced to a modified ellipsoidal azimuthal equidistant projection, Guam Datum of 1963, Clarke Spheroid of 1866. The station of origin is Arakabesan Island, established by the U.S. Navy (recovered and redescribed by the U.S. Geological Survey in 1970) with assigned plane rectangular coordinates of X = 50,000 meters and Y = 150,000 meters. Station AMID and geodetic azimuth to station NGAREGABEL are fixed for computational reference.

Control and Components

Palau elevations are based on mean sea level tidal observations (U.S. Coast and Geodetic Survey) and third order leveling work performed by the U.S. Geological Survey in 1969-70. The *Survey Control Manual,* maintained by the National Surveyor, contains station descriptions, horizontal and vertical data, and information for control established or recovered subsequent to the 1969-70 and earlier periods.

The Palau Coordinate System references three main components: geodetic, cadastral control, and legal land survey. Geodetic surveys are control surveys that take into account the shape and size of the earth.

Geodetic Monument Maintenance

It is Republic of Palau policy that all horizontal and vertical control monuments and marks will be visited and maintained at least once every 3 years. The Division of Surveying and Mapping will perform reestablishments or rehabilitations, as appropriate. Written reports of horizontal and vertical control station findings and physical conditions are required to be submitted to the National Surveyor by all surveyors, Government and private, in their field returns. The National Surveyor is principally responsible for maintaining records for horizontal and vertical control monuments and their current known conditions, and for performing adequate maintenance.

Ties to Other Surveys

All surveys (property, engineering, etc.) conducted in the Republic shall have connections to at least two well-separated monumented points of either the geodetic system or the cadastral control system. The connections (ties) may be either direct or indirect as indicated by written presurvey

instructions issued by the National Surveyor. Indirect ties are those that are calculated by using the records of previous surveys.

Legal Land Survey Coordinates

Final survey returns must have, in addition to other information requirements, Palau Coordinate System coordinates reported for each corner of the survey or resurvey. This reporting requirement does not imply that coordinates constitute superior evidence for property corner reestablishments.

Conflict with Previous Rules

Discrepancies, complexities, or unusual conditions that arise in using the Palau Coordinate System, and which are in contradiction with prior directives, shall be submitted in writing to the Director, Bureau of Lands and Surveys for further guidance. In particular, the guidance of this *Manual* has priority over any conflicting information or rules contained in 39 PNC 101.

Metric System

The metric system as defined in 39 PNC 201 is the official land survey reporting measurement system for the Republic. Requests for modification relative to not using the metric system for final survey returns and plats must be submitted to the National Surveyor for prior approval.

Geodetic Network Records

Records, including field work performed and maintenance of horizontal and vertical control networks, stations, and monumentation, are compiled, evaluated, cataloged, and permanently maintained by the National Surveyor.

Network Evaluation and Standards

The Director, Bureau of Lands and Surveys, in consultation with the Land Claims Hearing Office and all relevant Republic of Palau offices (e.g., engineering, Bureau of Foreign Affairs), determines the adequacy of existing control and submits to the President every 5 years, starting in 1995, a plan for rehabilitation and network upgrading. In making recommendations, the Director, Bureau of Lands and Surveys relies on the United States *Standards and Specifications for Geodetic Control Networks, 1984, Federal Geodetic Control Committee* (as currently updated and revised) for methods and accuracies data. This document contains the officially accepted standards and specifications for the Republic of Palau. Copies are available in the office of the National Surveyor for examination.

Cadastral Control Surveys

Purpose

With official acceptance of the *Manual for Surveys of Palau Lands*, an additional category of surveys, "Cadastral Control Surveys" (CCS), is adopted. The purpose of the CCS is to transfer the mathematical consistency of Palau geodetic networks to Palau land survey and engineering applications. Cadastral control surveys are not intended to substitute for extensions of the Palau geodetic network. CCS standards and specifications provide an additional resource for connecting the Palau geodetic system to the legal land survey system.

Standards for CCS and GPS

The standards, methods, accuracy statements, specifications, monumentation, and computational requirements for CCS using conventional instrumentation are contained in Appendix A. Global Positioning System (GPS) standards are also described and defined in Appendix A.

Legal Land Surveys

Definitions

Legal land surveys determine boundaries and areas of tracts of land. The survey or resurvey is usually based on ownership, tracing from the earliest land transactions. Land surveying includes the establishment of new boundaries as well as the reestablishment (resurvey) of original boundaries. The acceptable result of a legal land survey is collection and determination of data in support of the transfer of title to lands or definition of the limitations of land titles. The land survey includes astronomic and grid bearings and distances between points; records of measurements, monuments, and landmarks; special instructions; permanent field notes and plats; and examinations and approvals by the National Surveyor. There is no distinction made in Palau surveying between "boundary" surveys and "land" surveys.

Guidelines

Horizontal and vertical angles and length measurements must be accomplished with equipment and procedures which ensure that the specifications of this section, i.e., Legal Land Surveys, are met. The basic requirements for legal land surveys are based on current land surveying techniques and methods that are generally recognized as good practices within the profession. The National Surveyor may require any level of accuracy and precision standards through the

issuance of special instructions for individual surveys, including those performed by private surveyors.

Bearings

Bearings are preferably initiated from and closed on control monuments. Bearings may also be obtained from astronomic observations if positional accuracy is maintained by using them in the survey.

Angular and Distance Requirements

The National Surveyor is not permitted to accept or approve any legal land survey which has an angular closure not meeting or not better than the standards given in the drafted *Classifications of ALTA-ACSM Land Title Surveys* (see Appendix B) as partially adopted and modified by the Republic of Palau. Linear requirements are also stated in the ALTA-ACSM table.

Positional Tolerance

With the advent of improved surveying measurement capabilities, e.g., EDM and high precision angle measurement, relative precision is no longer the only accepted indicator of survey quality. Accordingly, an optional standard for Republic of Palau legal land surveys is based on positional tolerance (see Appendix C). Positional tolerance is stated in terms of the radius of a circle with reference to each legal or control corner to which there is a tie. The probability of position relates to both angular and distance error. The positional tolerance concept has a flexibility advantage, i.e., variable limits dependent on distances and class of survey, while maintaining certain minimum accuracies.

The National Surveyor will issue instructions for Government-conducted surveys for computations and redundant measurements which verify that position tolerance standards are met for both original surveys and resurveys. Private surveyors may choose any method of redundancy or calculation that meets these standards. Documentation will be furnished with field survey returns. For most Republic of Palau surveys, the procedures given in the *Classifications of ALTA-ACSM Land Title Surveys* will result in acceptable positional tolerance standards.

Palau Procedure

The usual Palau procedure for performing lot and other land surveys has been based on closed traverses in proximity to one or more lots. Double-checked side shots are taken to corner points of the lots from traverse angle points. Angles and distances of the traverse are adjusted using the "compass rule." The final plat bearings and distances are then calculated with the results reflecting an approximate zero closure (relative precision criteria of 1:5,000, etc.). Under the optional positional tolerance standard, traverse procedures may continue to be used, as well as multiple redundant central station positions, or GPS positioning, or a combination of these methods.

Positional tolerance standards will not be used to reject existing corners. The best use for these standards is for placing original or restored corners or for evaluating reliabilities of previous surveys and monument positions.

Classification Standard

Positional tolerance and ALTA-ACSM standards are applied according to land classification. Included are urban (city) surveys, suburban surveys, and rural surveys. The National Surveyor determines which criteria, i.e., urban, suburban, or rural, will be applied for any particular survey on the basis of *intended* use, not present use.

Control Ties

Ideally, survey stations are connected to control network stations that are nearest to the survey project and encompass good geometry. There should be at least two ties for each survey.

Summary

Accuracy is the quality of results when compared to the standards given in this Chapter. Precision is the degree of refinement in the performance of an operation (procedures and instrumentation). In addition to other factors, the accuracy of a field survey depends on the precision performed. Surveys are to be performed with precisions which attain required accuracies. Positions may be obtained by any method, instrument, or system which produces the accuracies and uses the standards required in this *Manual.*

The methods, techniques, and practices necessary to obtain the recommended or required accuracies and precisions are expected to be known by the licensed surveyor. Periodic calibrations and tests of instrument performance with documentation are an integral part of good professional practice. Conventional instrumentation, as well as newly developed technologies

for data collection, measurement, and adjustments, may be used as long as the results are verifiable in meeting Palau surveying standards.

It may appear that positional tolerance standards are weak in some instances when compared to traditional linear closures. It should be realized that positional standards integrate angular and linear elements, and, even possibly, factors such as monument placing and stabilities. Traditional closure requirements tend to separate these factors. Additional experience with and comparisons between systems will result in refinements and improved requirements. The options exist in Republic of Palau surveying to use either or both; until additional improvements and refinements in both traditional closure and positional tolerance standards are advanced by the profession, the preferred standards are the ALTA-ACSM closure requirements.

Chapter 4: Monumentation

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Monuments and Corners

A definite distinction exists between the "corner" and the "monument," although the terms are commonly used interchangeably. A corner refers to a determined point on the ground whether or not that point is monumented. Monument refers to the physical evidence of the corner point, and this evidence can range from a described natural feature, e.g., rock outcrop, to a standardized concrete post specifically designed to be a survey marker.

Republic of Palau Monuments

The standard monument prescribed for use in Republic of Palau land surveys is composed of one part cement, two parts sand, and four parts of gravel or broken stone with 1/4-inch rebar reinforcement. The monument is built to withstand 2,500-psi forces. It is 19 inches long with a 4-inch base tapering to a 3-inch square top with crossed indentations from corner to corner. The monument is ideally buried and tamped into the ground to a depth of 17 inches. Lesser depths of burial are permitted if conditions of refusal exist, and the monument's lesser depth still permits good stability. The reinforcement rebar is centered within the monument and covered with concrete on both ends to prevent rusting.

Monuments used in Palau surveys are required to be purchased from the Bureau of Lands and Surveys (at reasonable cost). This requirement applies to Republic of Palau State governments, private surveyors, and individuals. The National Surveyor may approve requests from private surveyors and others for the use of alternative types of monument materials and designs; however, approvals for exceptions must be obtained in writing and will only be considered on a case-by-case basis. The general intent of these requirements is to ensure uniformity and quality for boundary markers used in Palau.

Accessories

As technically and legally defined, accessories are part of the monument. Accessories to the monument include any natural or manmade object tied to the corner point by a referenced measurement. Accessories can also include objects such as a glass bottle buried at the bottom of a standard monument. The only official survey requirement for an accessory is that precise and comprehensive descriptions be provided in the survey's permanent record. All surveyors, including private, are encouraged to freely establish accessories in the course of monumenting corner points.

Traditional Boundaries

Before the concept of surveyed or legally described boundaries was adopted in Palau, areas of land rights or control were referred to by place names such as Rael Kedam (highest ridge in Babelthaup, which is still the boundary between States). Another example refers to two islands adjacent to Babelthaup, at the same approximate latitude, one on the east, the other west. These islands, Ngemolei Island and Ngerutoi Island, divided Babelthaup into northern and southern regions. Boundaries of various land rights were also described as being from one certain tree to another certain tree or by means of other singular features.

Japanese Monuments

The first manmade monuments were installed during the Japanese administration by both the Government and companies. Made of cement, these monuments were inscribed with company symbols and other symbols on the sides of the monument facing toward private or public lands as appropriate.

Each company had its own unique symbol on its monuments. The size of Government monuments was larger than the private (company) monuments, being 4 by 4 centimeters and 18 inches long as opposed to 2.5 by 2.5 centimeters and slightly shorter. However, monuments used for boundaries between States were of a different size yet, being 6 inches square and shorter than 18 inches.

Shiny white cement monuments were used for control during the Japanese times. These monuments had a cross on the top containing a centered brass nail. There were less than 20 of these types of monuments installed in Palau.

Japanese monuments were required to be no more than 5 inches above ground, although they could be lower. Many had a bamboo reinforcement center. Other types of Japanese monuments included X's chiseled on rocks; coral and volcanic rocks and ironwood cut and shaped into monuments; marked trees; and special round monuments used in some mining areas.

Other Monumentation

Modern Palau surveys were started in 1954. In these surveys, Japanese monuments were located (found) and used in contemporary surveys. In the early 1960's, 48-pound cement monuments containing two reinforcement rebars with dimensions of 6-by-6 centimeters at the base tapering to 4-by-4 centimeters at the top and 28 inches long were intended to be set to 3 or 4 inches above the ground. Smaller sized subdivision monuments had a cross on the top. In the early 1970's, the monument that is presently used was adopted.

Rebar has been used over the years for various marking purposes, including an aerial photo project in 1974 which utilized rebars with plastic caps marked "TTPI." These rebars, or any other rebars, should not be used by the surveyor for corner points without first obtaining approval from the National Surveyor.

Witness Monuments

Witness corner monumentation has also been and is now used for Republic of Palau surveys for corner point locations which cannot accept or are not desirable for the standard concrete monument. Examples are rock outcrops, centers of road intersections, and points next to the ordinary high water mark of the ocean (see also Chapter 7, Witness Corners). Witness corners are ideally set as close as possible to the corner point on a true line of the survey. The distance from the witness corner to the corner point is documented on the plat and in the field notes. The standard concrete post is used for witness corners.

An alternative to using witness corner monuments for places such as rock outcrops is to chisel an X in the rock, and establish and record accessories. This method has been used to a limited extent in past surveys and is fully acceptable for contemporary surveys.

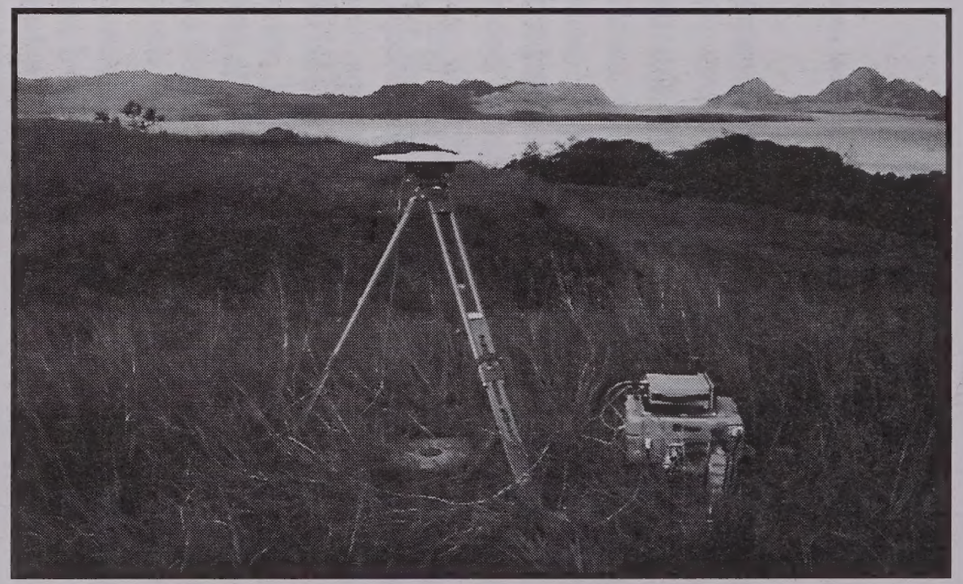
Penalties for Removal

The penalties for willfully altering, defacing, or removing any marker, monument, or reference point of either control stations or lot or tract corners includes a possible fine of $100 and 1 year imprisonment. Title 39 of the PNC, real and personal property, is the documentation for these offenses.

ROP Standard monument beside rebar with TTPI cap

ROP Standard monument

TTPI iron pin with plastic cap - set by Hawaii, Architect and Engineers (Koror)

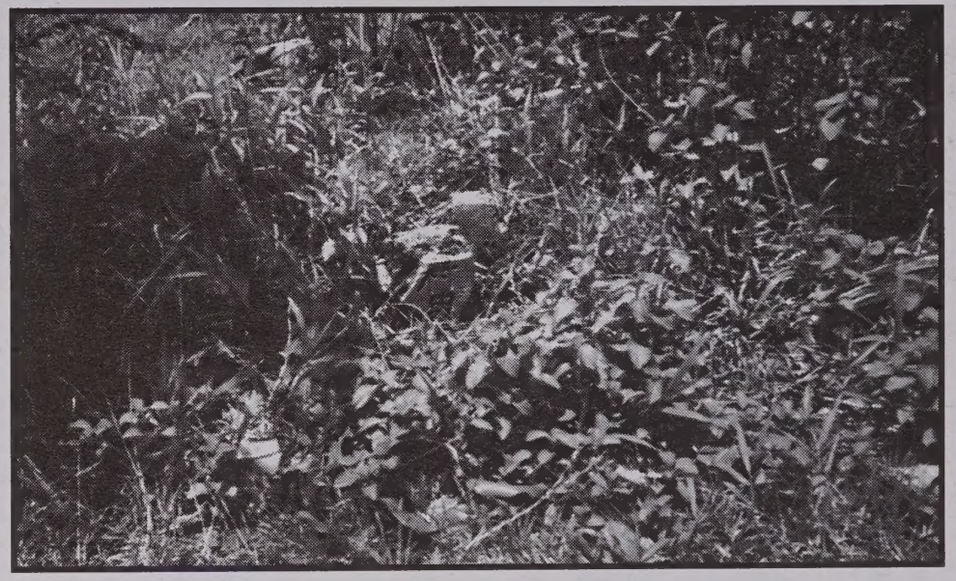


BAB East control monument (U.S.G.S.) located near Palau International Airport, Airai State

Prehistoric stone platform marking a boundary between Airai and Aimeliik States

Mound of stones marking boundary between Aimeliik and Airai States

ROP Standard monument set beside Japanese monument



Japanese monument set on boundary between Ngaraard and Ngarchelong States

Chapter 5: Field Notes and Plats

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Overview

The field notes and plats required for Palauan surveys are permanent records. They are the graphic and written formats of the surveys performed and approved, and provide the composite view of property relationships, areas, delimitations, methods of survey, and documentation as to mathematical integrity and on-the-ground evidence. When new subdivisions are surveyed, or resurveys are done to restore lost corners and obliterated boundaries, the plat and notes are the sources of numeric and descriptive data. However, they do not, either together or separately, replace other primary evidence, e.g., natural or installed monuments, if discrepancies exist between the plat and field note record and verified corner positions.

Legal Importance

When land ownerships are authenticated by Certificates of Title (or Land Claims Hearing Office or court determinations), the plat with all of its descriptive information becomes a part of each title as if it were depicted on the title itself. The field notes principally back up the plat information and provide detail.

Field Notes

Field notes of all official surveys are recorded in standard field tablets. These tablets contain the notes of the surveyed traverses, along with descriptions and ties to original and new monuments. Required field note data for both Government and private surveys is outlined in Appendix D. The National Surveyor can list additional data to be included in the field notes by issuing special instructions for each survey or survey project. Private surveys have the same field note requirements as Government surveys, with the exception that *copies,* rather than the original notes, may be filed with the Division of Surveying and Mapping.

In the past, only the bearings and distances of the traverses, along with ties to monuments and diagrams of the attendant configurations, were required to be recorded in the field notes. Effective with the adoption of this *Manual*, field note recordings are to include descriptions of original monuments found, contemporary monumentation, and monument accessories.

Platting System

The Republic of Palau platting system is based on letter designations for each State, with the Koror area having two separate designations and the Merir-Sonsorol-Pulo Anna areas each having their own designations:

State or Area	Designation
A	Arakabesan and Meyuns
B	Koror Main Island
C	Melekeok
D	Ngiwal
E	Ngaraard
F	Ngarchelong
G	Kayangel
H	Ngardmau
K	Ngaremlengui
L	Ngatpang
M	Aimeliik
N	Airai
P	Ngchesar
R	Peleliu
S	Angaur
T	Sonsorol
W	Pulo Anna
X	Merir
Y	Tobi

Plat Indexes

An index plat (or plats) is maintained for each lettered state or area. Some of these index plats are entitled "Cadastral Plat Index" and others are entitled "Cadastral Map Index." These indexes are further refined by a separate "Cadastral Lot Index." There are many other plats and drawings filed with the Division of Surveying and Mapping that are not graphically indexed. There are a few index plats showing Daicho lots traced from the original Japanese records. Several index plats of Government lands exist.

It is important to note that over a period of years, some consistency in preparing various indexes and plats was lost. These inconsistencies for the originally established system are not numerous; however, because creation of these "off-the-cuff" plats was probably not officially authorized, deterioration of a certain amount of knowledge of not only what exists, but also the logic behind numbering sequences, resulted. Many of these types of plats contain useful information which can be searched for and evaluated to meet particular needs.

Index Numbering

Cadastral Plat or Map Indexes are designated as such in the lower right portion of standard plat size sheets. The designations have the format of 000 L 00, or other appropriate letter. These indexes depict the division of the particular region covered by the index into platting areas, e.g., 007 A 00, 024 A 00 (see Illustration 1).

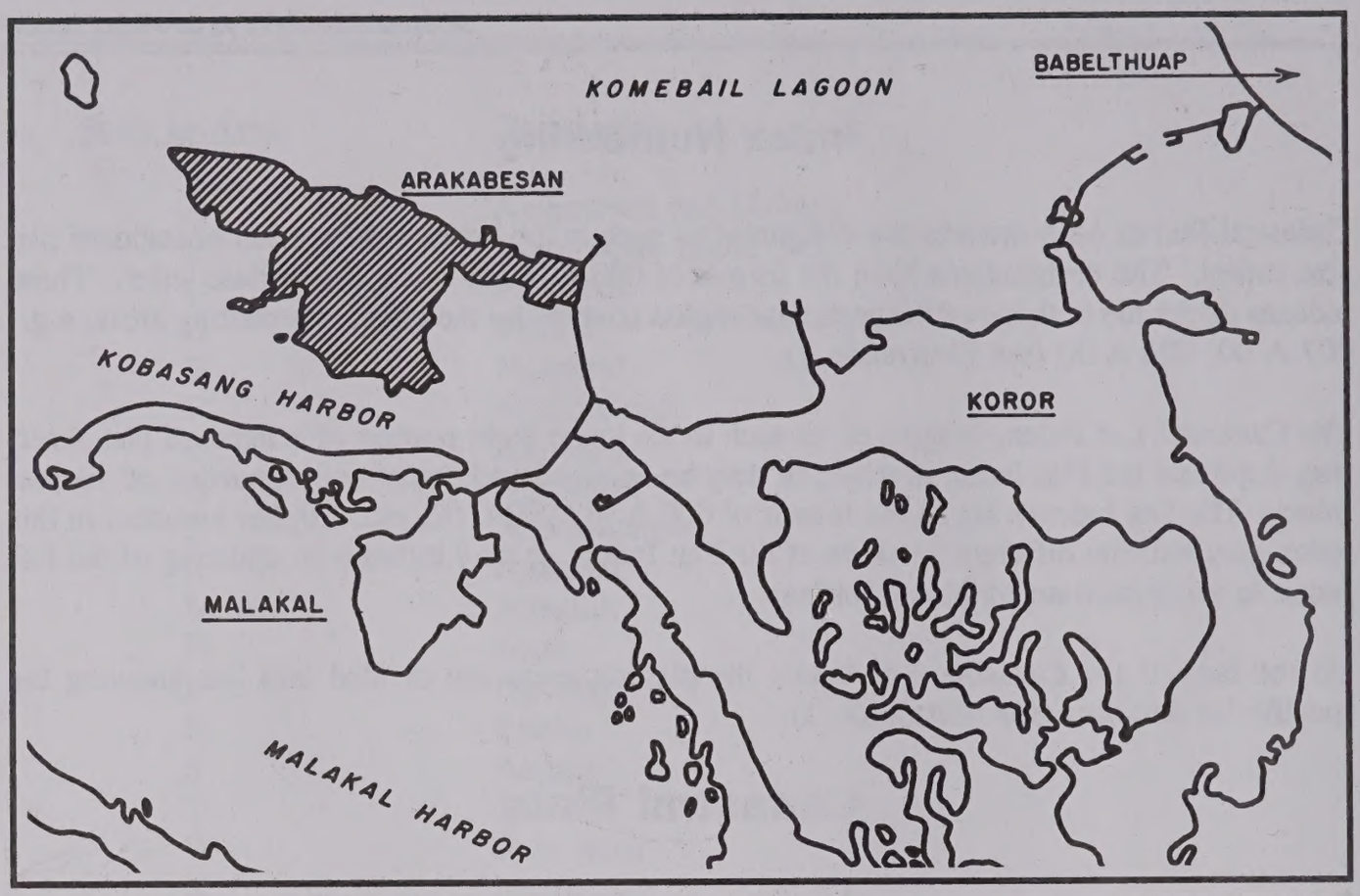
The Cadastral Lot Index, designated as such in the lower right portion of a standard plat sheet, may duplicate the Plat Index in scale, or may be enlarged and depict only a portion of the Plat Index. The Lot Indexes are in the format of 000 A 01, 000 L 02, etc. Higher numbers in this index may indicate different portions of the Plat Index, or may indicate an updating of the Lot Index to accommodate additional lottings.

On the face of the Cadastral Lot Index, the platting areas are divided into lots showing the specific lot numbers (see Illustration 2).

Cadastral Plats

Cadastral plats contain the survey descriptions for the great majority of land ownerships in the Republic of Palau. They are the most important products of the Division of Surveying and Mapping. Cadastral plats are keyed to the specific regions of the Cadastral Plat (or Map) Index and are constructed according to the plan of the Cadastral Lot Index. For example, cadastral plat 005 A 00 displays to scale all of the bearings, distances, areas, and found and set corners of delineated area 005 of Cadastral Plat Index 000 A 000, and as further defined by Cadastral Lot Index 000 A 01. There are 42 lots on this particular plat with designations from 005 A 01 through 005 A 42 (see Illustration 3). Required cadastral plat data and standards are outlined in Appendix E.

In the past, a stated guideline has been that areas covered by each cadastral plat be no less than 50,000 square meters and no more than 250,000 square meters. That guideline is impracticable since cadastral plat areas are defined and constructed in conformance with the regions and designations of the Cadastral Plat Index and Cadastral Lot Index, respectively. The resultant total plat size may or may not be within the 50,000- to 250,000-square-meter range. By choosing correct scales (see Appendix E), and following good professional practice, the cadastral draftsperson will be able to fit the delineated platting regions to standard plat sizes. Lot lines or other drafting work which touches or crosses over plat borders is not acceptable and will be rejected during the plat approval process. Plat borders may not be modified from the standard inset lengths from trim lines for any reason.



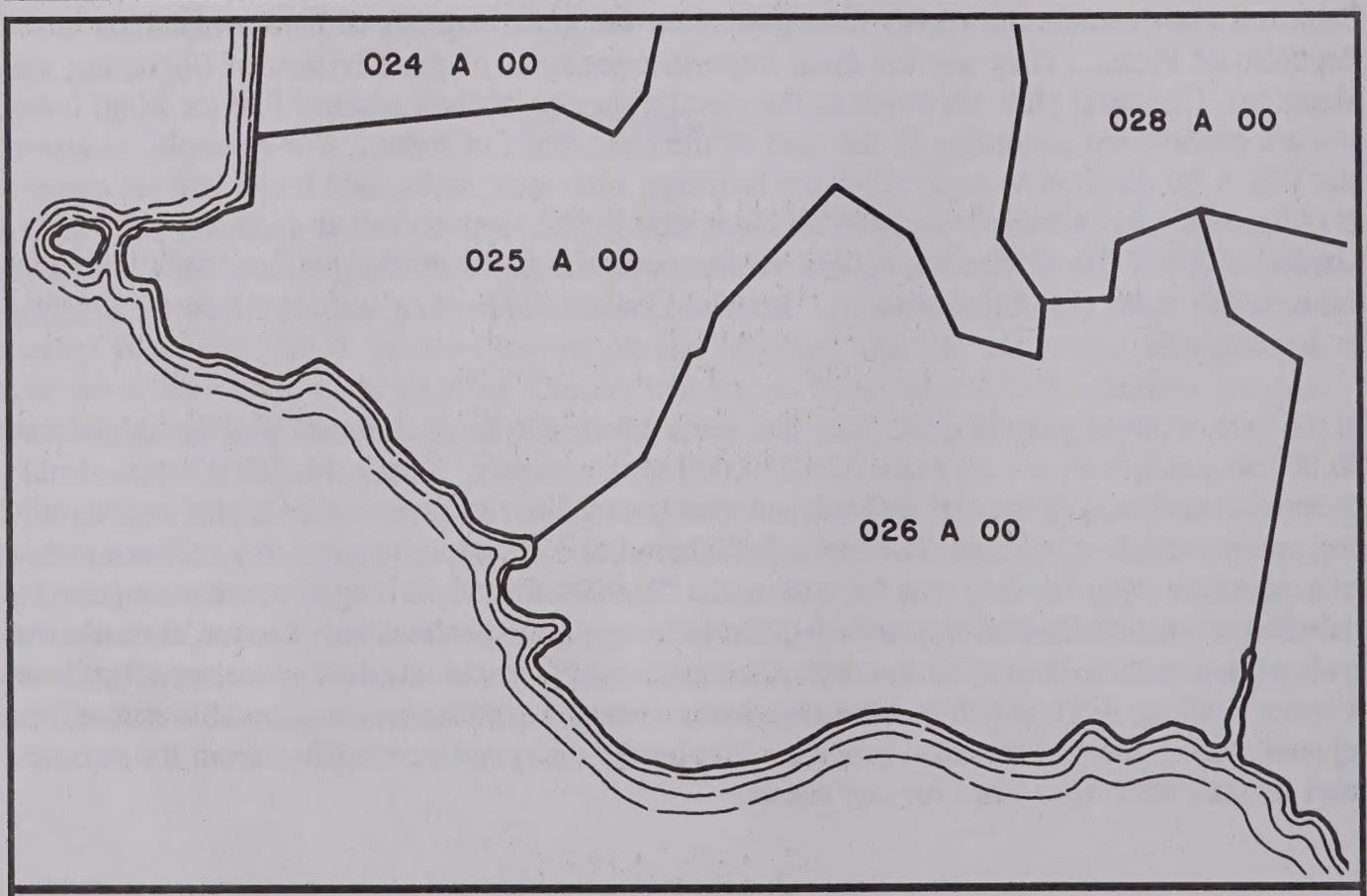


Illustration 1

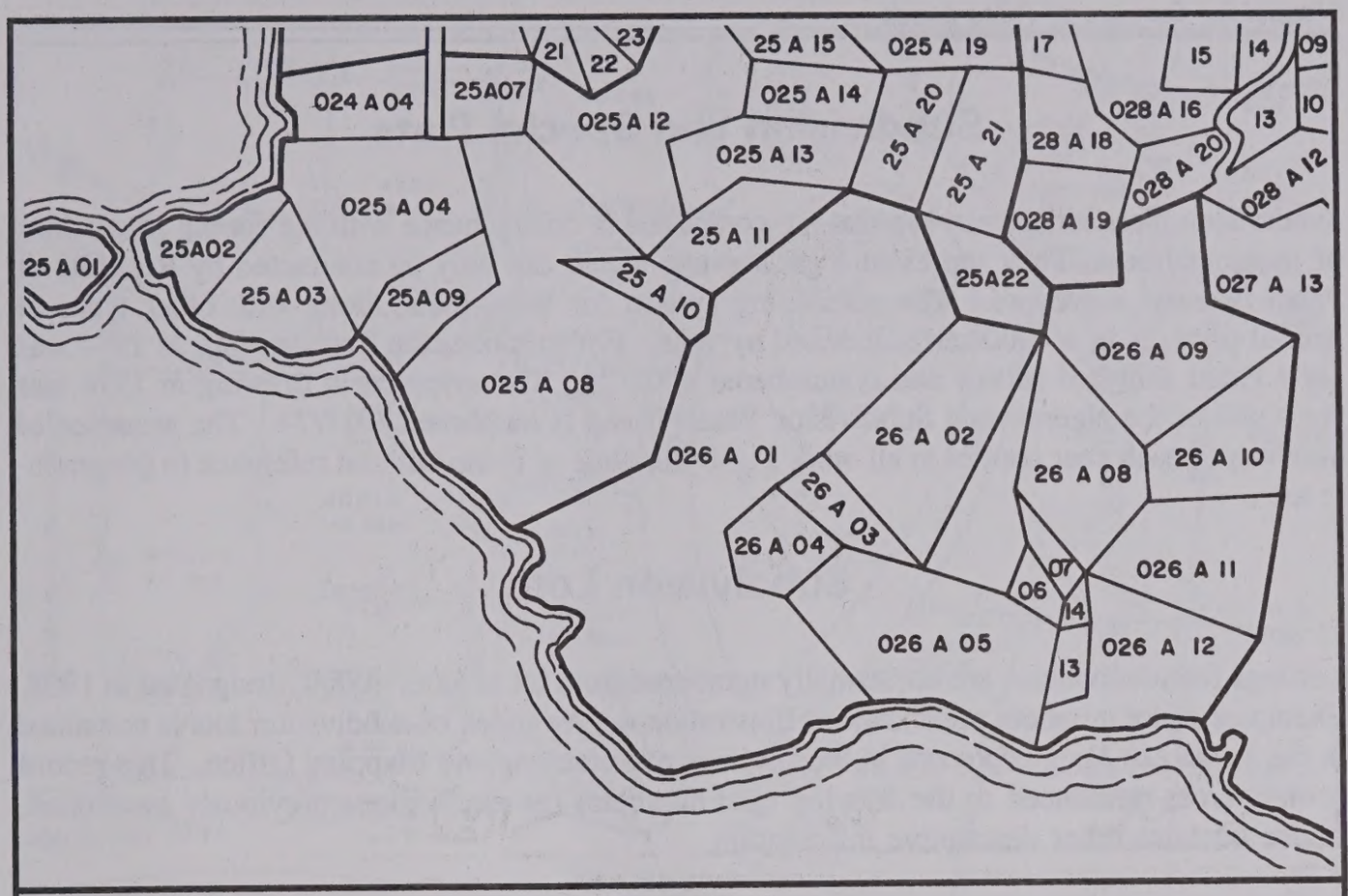


Illustration 2

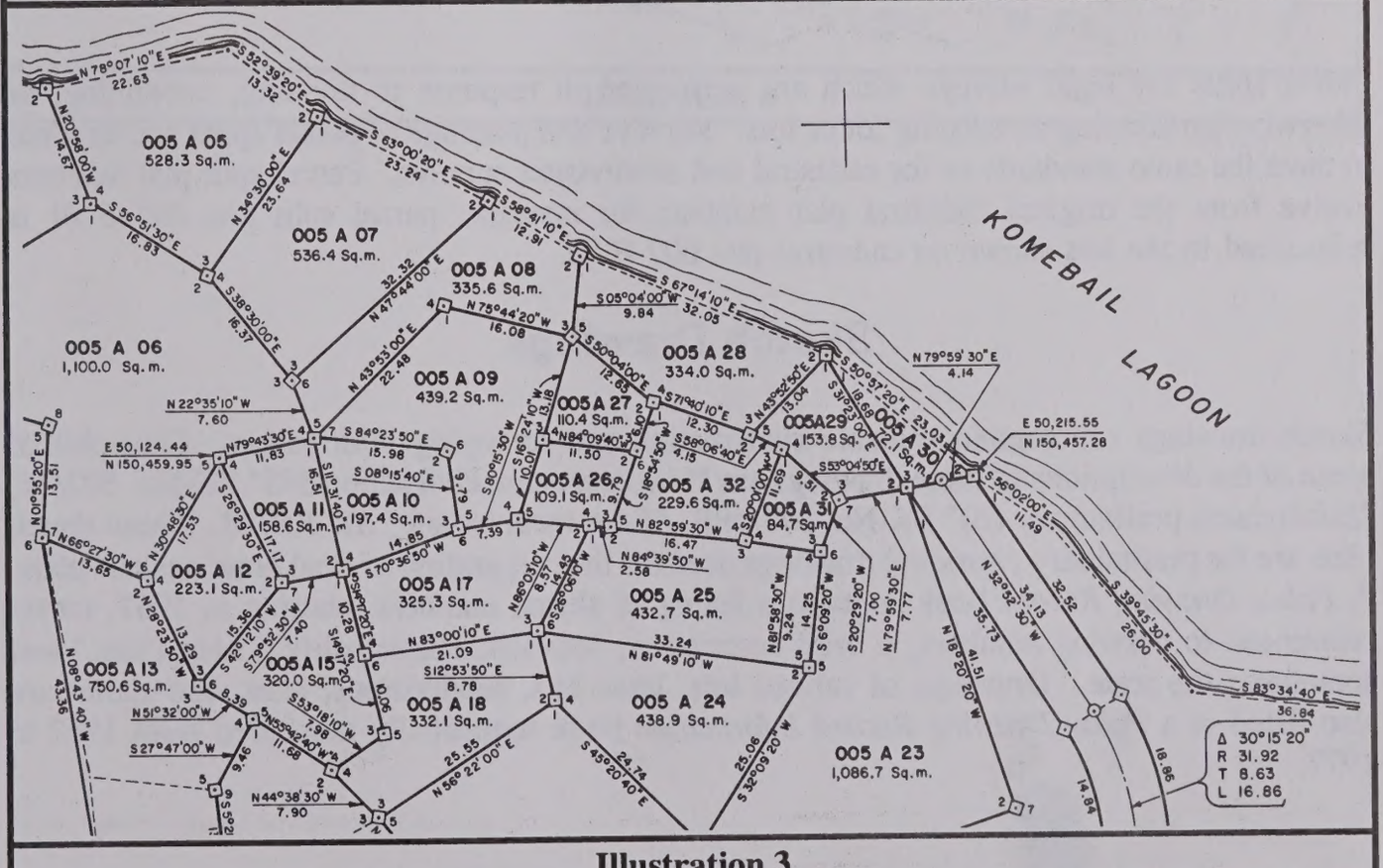


Illustration 3

Subdivision and Special Plats

Subdivision plats reflect surveys that are completed in conformance with the zoning regulations of municipalities. They represent legal surveys which can only be conducted by Republic of Palau licensed surveyors. The numbering system for these plats, along with other types of special plats, is in a 4000 series indexed by year. For instance, the first drawing in 1974 was for a Palau shipyard survey and is numbered 4001/74. The seventeenth drawing in 1974 was for a plat of the Ngerchemai Subdivision Phase II and is numbered 4017/74. The sequence of numbers in each year applies to all work in the Republic of Palau without reference to geographic area.

Subdivision Lots

Lottings for subdivisions are sequentially numbered from lot number 40000, designated in 1968. Examples of lot numbers are shown in Illustration 4. An index of subdivision lots is contained in the *Palau Lot Number Record* in the Division of Surveying and Mapping Office. This record book is cross-referenced to the drawing (plat numbers) for subdivisions previously mentioned. It also contains other descriptive information.

Parcel Splits

Parcel splits are legal surveys which are performed in response to dividing, combining, or otherwise partitioning an existing lot or lots. Surveys and plattings of parcel splits are required to meet the same standards as for cadastral and subdivision surveys. Parcel split plat numbers evolve from the original cadastral plat number; for instance, parcel split plat 007 F 01 is referenced to the lots shown on cadastral plat 007 F 00.

Sketch Drawings

Sketch drawings can contain valuable construction and surveying information. Examples of some of the descriptions of these drawings are "Idid court case civil action 395" SK-No. 502/74, "Subdivision preliminary (B)" SK-No. 371/69B, "FAA receiver site" SK 309/68. These sketch plats are the preliminary (working) drawings used for the preparation of final drawings and plats. A *Palau Drawing Record* book contains a listing of sketch numbers, starting in 1967, cross-referenced to drawing numbers, a brief description, location, municipality, "Map Date," and sometimes the scale. Drawings of various lots, lease lots, subdivisions, sites, and claims are also listed in a *Palau Drawing Record Information* book sequentially numbered from 1967 to 1977.

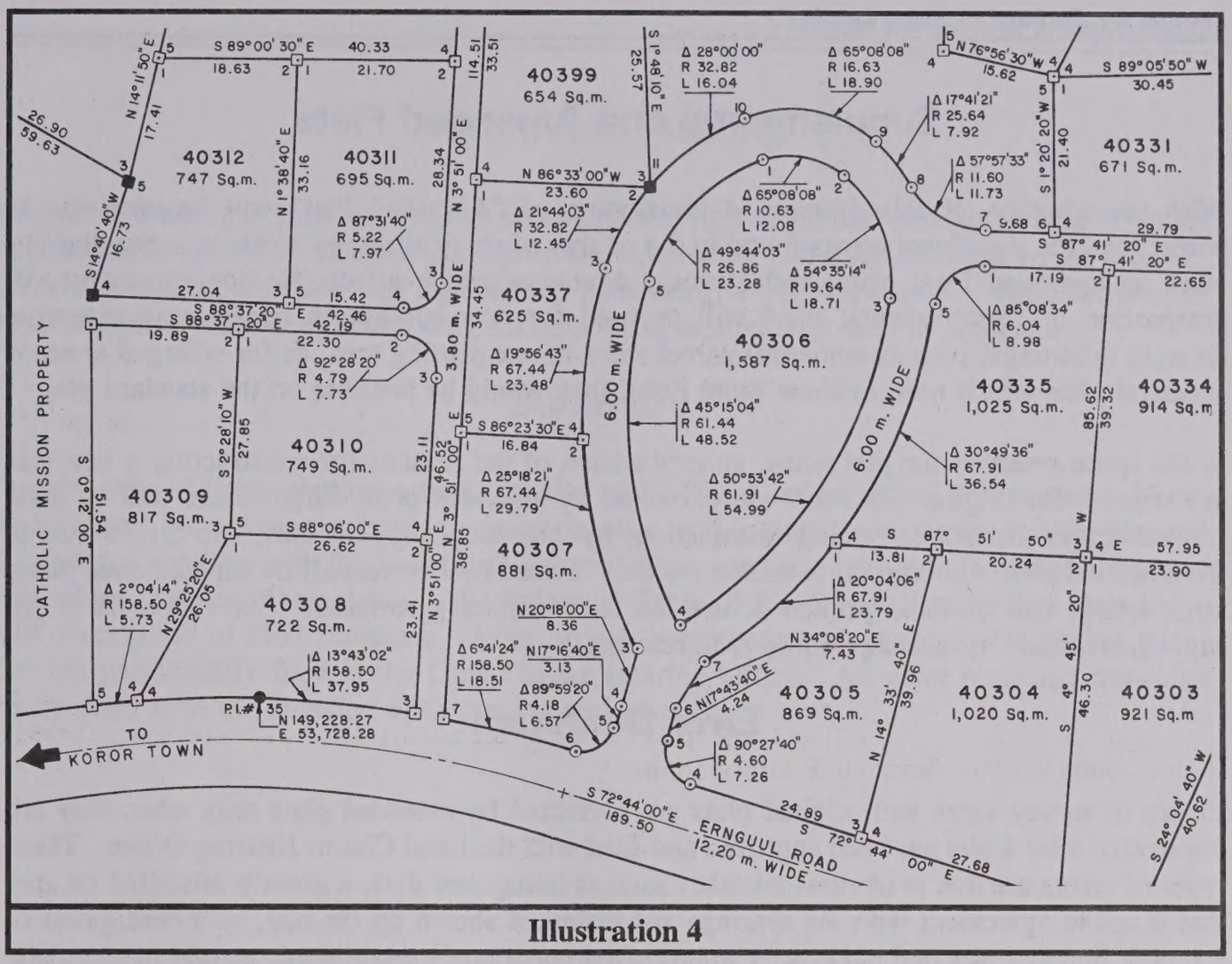


Illustration 4

Supplemental and Amended Plats

With the adoption of this *Manual*, a designation of "Amended Plat" will be used for 1) corrections for significant errors found in the returns of original survey work or in the drafting work of approved legal plats, and 2) court directives which affect plat configurations. A designation of "Supplemental Plat" will be used for new surveys in response to extensive changes in lottings, such as numerous parcel splits in one platting area, or for enlarged areas of cadastral plats which need to show more detail than would be possible on the standard plat.

In the space reserved for plat notes, an explanation of the reasons for constructing a new plat are stated. On original plats that are corrected by amended plats, large letters will be hand printed across the face indicating cancellation, by what authority, the date, and a reference to the amended plat. On original plats that are only revised (not corrected) by supplemental plats, large letters will be hand printed across the face indicating revision. See Appendix E for supplemental and amended plat title requirements.

Error Definition

Errors in survey work and original plats are corrected by amended plats only when they are discovered after a plat has been approved and filed with the Land Claims Hearing Office. These types of errors are due to obvious mistakes such as transposed data, a grossly misstated lot area that is not in agreement with the bearings and distances shown on the plat, or a description of a survey line that was tied incorrectly to one of two previously established, nearby monuments.

Effect of Original Corners

For surveys that have been accepted and approved, there can be no changes in the land delineated, even though those surveys may contain errors. New bearings and distances may be reported and platted by resurveys or retracements, but the monuments that were set govern, even though the effect is that one owner has received more land, and one adjacent owner has received less land, than the record indicates. This principle of the legal significance of the corner point, as monumented or otherwise evidenced, is universally one of the strongest in the surveying law of virtually every democratic country.

Automated Platting

Automated drafting of plats may require some modifications of *Manual* standards. Modifications are acceptable when they maintain good professional practice and result in clarity of the product. Guidelines and requirements for legal survey plats are given in Appendix E. Modifications to these standards will be approved only for reasons of computer system dependencies.

Summary

The Republic of Palau platting system includes both official and unofficial components. There are historical inconsistencies both in system structure and in singular instances, but the Plat and Lot Indexes together with the individual cadastral plats compose a reliable foundation for land ownerships, interests, and rights. The following Table of Plat Types lists various plats and a brief description of their functions. After official acceptance and approval of cadastral plats, they are permanently filed in the Land Claims Hearing Office. All other plats and drawings remain filed with the Division of Surveying and Mapping.

TABLE OF PLAT TYPES

Title	Functions	Indexed	Plat/Drwg Example No.	Legal Document
Cadastral Map (Plat) Index	Defines plat areas	N.A.	000 E 00	No
Cadastral Lot Index	Shows lots in plat areas	Cadastral Plat Index	000 A 01	No
Cadastral Plat	Principal survey plat in ROP	Cadastral Lot Index	005 A 00	Yes
Subdivision Plat	Shows lots in municipalities	Lot Number Record Book	4071/74	Yes
Parcel Split	Divides or changes existing lots or parcels	No	007 F 01	Yes
Sketch Drawings	Preliminary drawing for road engineering, survey projects	Drawing Record Books	SK610/91	No
Miscellaneous Plats and Maps	Single lot surveys topographic work, etc.	No	4003/90	Case by Case
Daicho Lot Index	Copy of Japanese lottings	Drawing Record Books	4002/82	Yes
Government Lands Index	Numbered Government lands designations	No	000 E 04	No

Chapter 6: Restoration

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The need to replace missing survey monuments in Palau has been infrequent. It is expected that this need will gradually increase due to more development and to deterioration and inadvertent removal.

Lost Corners

A corner is "lost" when there is no remaining trace of its existence either from the originally placed monument or from any other source of evidence. After the survey has determined and ensured that all possible sources of evidence for a missing corner have been investigated, a proportionate measurement restoration method may be used. At their best, these mathematical restorations will blend with legal and equitable concepts.

Rights of Landowners

The prime rule before applying a proportionate measurement method for corner restoration is that no resurvey or retracement can affect the extent of landowner rights. These rights are inherent with having acquired or being otherwise entitled to a tract of land. Descriptions of the location of land parcels may be changed when errors or higher quality bearings and distances, area computations, or ties to control have been determined by resurvey. However, the actual location and configuration of land boundaries does not change and remains in conformance with evidence on the ground. Even though an original survey may have been erroneous, the monuments that were set (or evidence of them) govern the boundaries of the particular land parcels. The owners are entitled to what is within their boundary lines, and no more or less.

Evidence

The original surveyor's statement of the mathematical placement of a monument is not conclusive evidence of its legal position. The confirmed original monument itself (or evidence of it) governs position. When a monument is found, it should be further verified by other evidence, including the stated mathematical position. It cannot be automatically assumed that a found monument is authentic or even that it is in the position in which it was originally placed.

A surveyor's search for corner evidence must be completely thorough. It is not sufficient to look for evidence of prior surveys for only the property under consideration. A boundary marks the division between two properties. The rights of all adjacent owners apply to established boundaries and set monuments. Searches for possible evidence should be conducted relative to all properties in the survey area.

Orders of Evidence

In redefining boundaries or in developing positions for the reestablishments of lost corners, the following order of importance of evidence should be analyzed:

1. evidence of natural monuments and boundaries
2. evidence of original monuments
3. possession that can reasonably be related to the time of the original survey
4. measurements of the original survey
5. area

Threaded into the evidence of natural boundaries, monuments, and possession is the testimony of individuals concerning each of these elements. There are no definite rules for accepting testimony of individuals. It may be based on memory over a long period or on notes and private markings. There may have been specific reasons for remembering. This type of evidence is potentially valuable, but must be carefully weighed. In accepting individual evidence, several points should be followed by the surveyor:

- the person should be qualified, i.e., has resided in the vicinity of the survey since its completion
- the knowledge should be firsthand, not hearsay; it should be complete and not personal opinion
- the testimony should be reasonably accurate and free of bias

With reference to measurements constituting a fourth tier of evidence, there are contemporary issues that would raise this factor to higher levels as a result of advancements such as satellite positioning systems. While there is merit in concepts of reproducing precise coordinates for the reestablishment of lost corner points, and this factor strongly increases the confidence level for fourth order evidence, it does not change the order.

Proportionate Measurements

Proportionate measurements are those which give equal relative weight to all parts of a survey measurement. Excesses or deficiencies of a total measurement against a record are distributed so that the amount given to individual segments of the total have the same proportion of the excess or deficiency as the record measurement of the segment has to the record of the total measurement.

Acceptable Restoration Methods

When all other means for the restoration of lost corners have been researched and rejected for lack of evidence, any proportionate restoration method may be used to replace the corner position. These methods include, but are limited to, single proportionate measurement; restoration from one, three, or more control points; broken boundary methods; grant boundary method; and least squares. As used in this context, "control point" refers to any established and firmly set monument or mark to include both land net control points and property corners. Several reestablishment methods should probably be tried to identify the fit which best protects the land rights of all involved adjoiners.

Many textbook and professional surveying reference books exist which describe various adjustment, proportionate, and least square methods. Modern software programs also contain the mathematics and calculations for these methods along with descriptive documentation for their use. The *U.S. Manual of Surveying Instructions* contains comprehensive discussions for many restoration methods. As an example, a grant boundary method is described which applies both angular and linear corrections in the direction needed to adjust record survey data to current resurvey findings.

Some restoration methods may be obvious to the surveyor, as in applying a single proportionate measurement for a missing corner lying between two found corners which, by record, were all set on the same straight line. Other situations will require more judgement as for a common corner of three lots; a three-way control restoration may be best or a grant boundary method might be tried to analyze the fit for a sequence of found corners. If there are several missing corners which were all originally established during the same survey project, a least squares adjustment might offer the best solution.

Chapter 7: Special Surveys

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Special surveys in the Republic of Palau are those which have requirements, standards, or legal considerations in addition to the general requirements for cadastral surveys. They may involve procedures or considerations that require unique treatment. Special surveys include:

Mineral Surveys
Photogrammetric Surveys
Rights-of-Way and Easements
Riparian Surveys

Mineral Surveys

Limitations

Mineral survey requirements specified here are limited to future surveys relative to interests in mineral bearing lands. Past activities and acquired rights for terrestrial mineral claims and related surveys were governed by administrative decision during German and Japanese times. Their present status and legal standing necessarily involve research on a case-by-case basis and fall outside of the purview of the surveyor. However, the surveyor is an authoritative source for evaluating the effectiveness and integrity of any surveys associated with past mineral claims or mining.

Mineral Rights

Palauan case law alludes to the separation of subsurface mineral rights and surface mineral rights and surface ownership. There is no apparent substantiation of ownership separations under traditional and customary law, common law, or statute law. The fact of mineral rights being owned separately from corresponding surface ownerships is recognized in Civil Action No. 257, Appellate Division of the High Court, Palau District, May 23, 1979. This decision refers to phosphate mining by the Germans on Angaur made possible through the transfer by deed in 1909 to the German Government by certain Angaurese. The Germans mined phosphate until the Japanese "acquired the mining rights. There is no showing that the German Administration transferred...land ownership interest..." The court found that the German Government was deeded clan land in 1909, the Japanese later "acquired the mineral rights, and apparently did not also acquire the land itself..."

Surveyor's Role

Special procedures for mineral surveys in the Republic of Palau have not been promulgated. In the unlikely event that mineral rights only are transferred to other parties, the surveyor's role is limited to delineating the affected surface land portion (if called on to do so), and to

recommending that each party obtain legal assistance to clarify rights. There is no provision for making or possessing mineral claims on the public lands. Mineral rights in the Republic of Palau are synonymous with surface ownerships unless specifically otherwise conveyed or documented by legal instrument or historical fact.

Survey Procedures

For mineral claims that may require surveys in the future, the surveyor can be guided by the *U.S. Manual of Surveying Instructions* for procedures and methods, if directed by the National Surveyor. For previous surveys that may have been involved with mineral claims (a rare situation if it exists at all), guidance may be taken from U.S. common law and statute law, and from the *U.S. Manual of Surveying Instructions* for consideration of land and subsurface rights since 1941, provided there is approval from the Republic of Palau Attorney General.

Photogrammetric Surveys

Photogrammetry is a valid land survey resource for use in the Republic of Palau. It is capable of providing required accuracies, and for certain projects, may be an economically labor-saving method. Advantages in using photogrammetric surveys include facilitated corner searches, surveys for point positions, position determinations for lost or new corners, and location of property lines.

Accuracies

Photogrammetric surveys have the same accuracy requirements as stated for legal land surveys in this *Manual*. The root mean square error (RMSE) values for combined photogrammetric and control errors should be approximately one-third of the legal land survey's positional tolerance standards. If these standards cannot be met with photogrammetry for any particular project, then this method cannot be used for cadastral surveys.

Options

In planning photogrammetric projects, the options that must be considered include flight line design, flying height, focal length of the camera, sidelap, target (panel) placement timing, film type, and type of prints. Endlap below 55 percent is not acceptable, and higher percentages are desirable, but not exceeding 65 percent. When overlapping strips are required for the project, a 30 percent sidelap is desirable. Sidelaps below 25 percent for vertical photography will not be approved.

Qualities

Further considerations are for use of precision mapping cameras only; photography conditions, e.g., sun angle (solar noon flights are best) and cloud cover; quality of target construction; and placement and order of control stations. Horizontal third order is usually acceptable, with first and second order preferred. Vertical control is necessary but can be of relative low accuracy. Single strip projects should have control placed in every five or six models, with a requirement minimum of three points for the project. Blocks require only perimeter control, but all possible existing control points within the block should be used. Panels should be long enough to show .01 inch on the photograph with the width of the legs about one-sixth of the leg lengths.

Products and Documents

All photogrammetric measurements are required to be made on either film or glass diapositives (full size transparencies). Sufficient paper prints should be ordered for the surveyor and photogrammetrist to annotate targets and other data. The other documentation to be furnished for permanent record is the camera calibration report (within 3 years of the date of the use of the camera), a photo index plotted on an appropriate map, coordinates for all points used and derived, and a results evaluation.

An excellent reference for technical and planning aspects and standards for photogrammetric applications is The *Manual of Photogrammetry* published by the American Society of Photogrammetry, ISBN 0-937294-01-2.

Rights-of-Way and Easements

Description

Easements, including roads, reserve interests for specific uses on lands owned by others. They can exist through traditional rights, as well as by specific conveyance or condemnation. They can be restricted by lengths of time or other reservation. Easements must be described and documented with the same thoroughness and care as any title, survey, or transfer recording.

Filing

Legal descriptions and plats for easements in the Republic of Palau will be consolidated and maintained in the Bureau of Lands and Surveys with formats and filing the same as in the existing survey recording system. Eventually, any easement or rights-of-way records existing in other Republic of Palau agencies are to be transferred or duplicated for permanent filing with

the Bureau of Lands and Surveys. Usually, easements are surveyed and platted in the course of conducting other types of surveys.

Purpose

Easements are surveyed and platted to:

- determine existing or proposed positions in relation to corners and property lines in order to prepare legal descriptions
- mark locations on the ground
- provide a record for future retracements
- determine the size for value and appraisal purposes

Survey Procedures

The same legal and accuracy standards apply to easement surveys as to other surveys, i.e., consistent with Class A, B, or C. Any survey technique that is capable of meeting these standards can be used; photogrammetric means may be particularly cost-effective and efficient for large projects. Basically, survey plats are to show where easements enter and leave parcels and their location within the parcel.

For roads or easements that have not been surveyed with respect to property lines, or where the monuments or other evidence of boundary location is lost, the centerline of the road or easement is the "monument." The same standards for survey work to delineate the "as built" location then apply according to the land classification.

Ties and Monumentation

Ties to survey monuments affecting the easement or right-of-way location and its relationship to adjacent properties will be made in the course of the survey or resurvey. Ties to improvements such as structures and fences should also be made. Usually, it is not necessary to monument easement boundaries if there are adequate ties to property boundary corners.

Curve Data and Monumentation

For right-of-way curves, the points of curvature (PCs), and points of tangency (PTs) are monumented as standard practice. Sufficient surveys will be made to describe the geometry of

curves, i.e., the external distance from the point of intersection (PI) to the midpoint of the curve. These requirements apply to both existing roads and new construction. If a roadway lies entirely within a series of straight lines forming a corridor, curve data and monumenting is not required. The corridor would then be surveyed and monumented at angle points. Monuments should also be placed at points where changes in easement widths occur.

Summary

It is usually not necessary to survey an entire parcel to delineate an easement. Enough data should be obtained to ensure class accuracies for the easement and to define boundary intersections. Monuments are to be sufficient enough and appropriately placed so that the easement can be readily retraced.

Riparian Surveys

Concepts

There are two important concepts that need to be emphasized for Republic of Palau water boundary surveys. The concept of ordinary high water mark (OHWM) is important because that delineation defines the extent of land ownerships adjacent to the ocean and significant rivers, streams, and lakes. The second concept, navigability, is important because it defines those inland water bodies that are subject to the OHWM criteria, which in turn separates ownerships either to the edges of the water or to midpoints of the beds of rivers, lakes, and streams. One further clarification is that the principles described in this section apply only to riparian surveys and do not necessarily carry over to the rights or uses of the water itself.

Meander Lines

Meander lines are used in land surveys for the purpose of determining the areas of parcels adjacent to water bodies. These lines are intended to traverse the margins of the upland/shore interface. They are not boundary lines. The boundaries of the adjacent parcels are delineated either by the OHWM for navigable bodies or by various surveying methods to determine median lines or center points for nonnavigable bodies. Meander line surveys require that the OHWM be followed closely, but not to the extent of including every minor indentation in the shore or every minute land projection into the water. All that is required is to accurately capture the trend of the watercourse.

The surveying accuracies of meander lines should be consistent and compatible with the precision of the area reported for the individual parcels on the plat. Meander line angle points

are not normally monumented. If previous meander line surveys are to be restored or retraced, the preferred method is described in *U.S. Manual of Surveying Instructions* (see Appendix F).

All navigable waters are required to be meandered as part of the survey of adjacent parcels. Nonnavigable waters are required to be meandered when they form a legal boundary of any parcel or political division, even though the actual boundary is through the centers or threads of the water bodies.

Ordinary High Water Mark

Ordinary high water mark can be evidenced by many diverse features. It is found at the margin of the area subject to the presence or action of water a majority of the time. Indicators include mean high water elevation, vegetation changes, definite markings in the soil, edges of banks, types of vegetation, and other physical or biological characteristics. Ordinary high water lines are usually not difficult for routine recognitions. For situations arising which are, or potentially will be, controversial, scientific and legal expertise assistance is mandatory since OHWM determinations can become extremely complex and difficult pursuits.

Navigability and Common Law

Navigable waters in the Republic of Palau are determined with reference to common law (Ngiraibiochel v. Trust Territory of the Pacific Islands, 1 TTR 485). This application of common law is quite important to Palauan water boundary surveys because it leads to the modified use of methods, techniques, legalities, and precedents as practiced in the United States and as partially described in the *U.S. Manual of Surveying Instructions*. Palauan traditional and customary law apparently has limited effect since, as mentioned in Ngiraibiochel, "...it is not contended there was any local custom in force with respect to the boundary of land between high water and low water marks."

However, traditional and customary law has been reestablished for certain matters related to riparian rights, but only in reference to those laws existing at the time the Japanese administration abolished them (35 PNC 102). These rights involve use of fish weirs and traps; right of an adjoiner to all materials, coconuts, etc., deposited on a shore or beach; fishing rights in waters less than 4 feet at mean low water; and the right to fill in, erect, and construct piers, buildings, etc., on or over adjacent waters or reefs. Actual marine bed ownership is not implied.

All Palauan waters that are influenced by the ebb and flow of the tides are recognized as navigable. A watercourse can be both navigable and nonnavigable within its length, i.e., a river which experiences tidal actions in its lower region, but does not meet navigability criteria in its uppermost reaches. By definition, and coincident with the adoption of this *Manual*, nontidal

navigable waters are those which contain sufficient water to allow rafts, boats, canoes, etc., to frequently float thereon and engage in transportation or other activities.

The Constitution of Palau specifically reserves the beds of navigable waters to the States, including the bed of the sea from OHWM to 12 miles out. When a watercourse is the boundary between two States, by common law, the thread of the stream as evidenced by the deepest part of the main channel is often relied on as the actual boundary. However, possible covenants between States may require that mathematical survey means be used to delineate the boundary if it ever becomes necessary to do so. Many survey methods, techniques, and software programs exist for accomplishing virtually any type of boundary delineation which may provide the best fit in harmony with the interests and legal rights of the adjoiners.

Changes in Water Boundaries

Changes in the geographic position of the land-water interface have historically been a matter of importance and intensive legal analysis dating even to Roman times. Palauan law in this matter relies on American and English common law for guidance. Basically, these legal precedents provide that boundaries follow the water's margins with accretions and relictions (slow and imperceptible movement of the land adjacent to a body of water). Avulsive actions (sudden changes in the position of the land and water relationship) result in no changes in the boundaries as they existed prior to the avulsive action. The extent of case law relative to accretions and avulsions as well as to all riparian law is quite large. Extensive research and consultation with the Attorney General's Office may be required for unique or controversial conditions.

Witness Corners

Witness corners have been used extensively in Palauan surveys to reference the intersections of property lines with the OHWM (see Chapter 4, Monumentation). Some past approved plats have shown the distance from the nearest legal corner to the witness corner instead of from the nearest legal corner to OHWM. The approved procedure with the adoption of this *Manual* is to show the distance to the witness corner on the plat diagram with text notation of the distance to OHWM.

Chapter 8: Offshore Boundaries

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Overview

Republic of Palau fishery zones (Title 27, Sections 141-147, PNC) include a 3-nautical-mile territorial sea, a 12-nautical-mile exclusive fishery zone, and a 200-nautical-mile extended fishery zone. These zones denote certain controls and jurisdiction exercised by the States and the National Government.

Based on the United Nations Law of the Sea, the Palau Constitution provides for a 12-nautical-mile territorial sea, a 24-nautical-mile contiguous zone, and a 200-nautical-mile Exclusive Economic Zone (EEZ).

The ownership, control, and jurisdiction of the seabed, minerals, and fisheries are claimed by the Republic of Palau within the EEZ. The EEZ 200-mile limit is mathematically modified when it potentially overlaps with a 200-mile distance from another nation. The resultant median lines must be negotiated with the other involved countries for actual boundary locations. Such negotiations will expectedly refer to source materials used for computations, accuracies, and compatibilities of associated cartographic and surveying bases, and conformance with international guidelines and legalities.

Computations needed to determine the approximate locations of the 12-, 200-mile, and other boundary designations have been completed using what is believed to be the best information available through U.S. Government map sources. In addition, descriptions of the baselines used for boundary computational purposes, and descriptions of the offshore boundaries in the form of series of geographic coordinates (latitude and longitude) connected by geodetic lines, have been prepared.

The computations needed to determine the approximate locations of experimental median (equidistant) lines between the Republic of Palau, the Federated States of Micronesia, the Republic of the Philippines, and the Republic of Indonesia have also been completed using what is believed to be the best information available through U.S. Government map sources. In the case of the Republic of Palau and the Federated States of Micronesia, the best available information probably has been obtained, but in the case of the Republic of the Philippines and the Republic of Indonesia, better information might be obtainable through foreign map sources. Descriptions of the baselines used for computational purposes, and descriptions of the median lines in the form of series of geographic coordinates connected by geodetic lines, have also been prepared for all three median lines.

U.S. Geological Survey (USGS) 1:25,000-scale 1983 and 1984 maps of the main islands of Palau, from the island of Angaur to the Kayangel Atoll; a 1:165,000-scale U.S. Defense Mapping Agency (DMA) nautical chart of the main islands including the Ngeruangel Reef edited in 1985; a 1:72,900-scale DMA chart of the Helen Reef edited in 1984; and a set of 1:72,560-

scale 1918 Japanese sketch survey plats provided by DMA of the southwest islands of Palau, including Fana, Merir, Pulo Anna, Sonsorol, and Tobi, were used for baseline point selection purposes. The criteria outlined in the Articles of the 1982 United Nations Law of the Sea (LOS, Article 6), "Islands Having Fringing Reefs," were applied. These criteria specified that the seaward edge of the reefs as represented by the map reef symbol could be used for baseline point selection purposes. In addition, the provisions of LOS Articles 9 and 10 were applied for the selection of closing lines across the mouths of passages and channels through the reefs to define the limits of internal water.

A baseline consists of a set of isolated points and/or angle points connected by line segments that represent the approximate outline of a coastline for computational and/or descriptive purposes. Isolated points represent rocks, points of land, and similar projections along the seaward edge of very irregular stretches of coastline. Straight line segments represent smooth stretches of coastline and closing lines across the mouths of rivers, bays, openings through reefs, etc. The accuracy of the coastline representation will depend, of course, on the number and spacing of the points and lines selected to approximate the shape of the coastline.

The baseline descriptions and offshore boundary descriptions include words and phrases that are commonly used by the U.S. Department of the Interior and the Department of Justice. The phrase "A point at" refers to an isolated baseline point. A series of baseline angle points connected by line segments are described by the words "From," "Through," and "To." Offshore boundary descriptions start at a point identified by the term "Beginning at," and follow a curved line segment described by the phrase "By arc centered at '--' to," or follow a "straight" line segment described by the phrase "By straight line to," or "By geodetic line to." The location of the actual points referred to are defined by a point identifier and by the geographic coordinates (latitude and longitude) of the point.

In the process of computing the locations of offshore boundaries, those portions of the baseline that represent the most inland stretches of an indented coastline will not influence the location of the computed offshore boundary, and will therefore not be used in the computational processes. For this reason, a baseline that is intended for computational purposes only might include only a subset of a more complete baseline point set; i.e., a computational baseline might be only a partial baseline that includes only those points and lines that will or which might influence the location of the computed offshore boundary.

Also, offshore boundaries located at greater distances from a coastline are usually affected by fewer (of the more prominent) baseline points than boundaries located at shorter distances offshore. Therefore, baseline points and lines selected only for the purpose of computing the location of a 200-nautical-mile EEZ boundary might consist of fewer points or points and lines than a baseline selected for the purpose of computing the location of a 12-nautical-mile territorial sea boundary, which itself might only be a partial baseline.

In the case of the computational baseline selected for the Republic of Palau, baseline points and lines were selected initially to compute the locations of the 12-nautical-mile boundaries. The same point set was also used to compute the locations of proposed environmental authority 24-nautical-mile boundaries, the 200-nautical-mile boundaries, and the international median lines. However, many of the 12-nautical-mile baseline points did not affect the locations of the offshore boundary lines and were not used in the more distant boundary computations.

Federated States of Micronesia

In order to determine what the Federated States of Micronesia might use for their baseline point selection purposes, U.S. map indices were examined, and a 1:25,000-scale 1983 USGS map of the Island of Yap and a 1:75,270-scale 1968 DMA nautical chart of the Ngulu Atoll were located. The USGS map of Yap is comparable to the USGS maps of the main islands of Palau, and the DMA chart of Ngulu is comparable to the DMA chart of Helen Reef and somewhat superior to the charts of the Ngeruangel Reef or the 1918 charts of the southwest islands of Palau.

For the Federated States of Micronesia baseline, the same criteria were applied as had been applied for the selection of the Republic of Palau baseline points, except that points were selected only for the purpose of computing the location of an experimental Republic of Palau-Federated States of Micronesia median line. Therefore, the Federated States of Micronesia baseline point set is less extensive, but more or less equivalent otherwise to the Republic of Palau baseline point set.

Republic of the Philippines

The location of a common boundary between the Republic of Palau and the Republic of the Philippines would be influenced only by the east coast of the Philippines island of Mindanao. Through U.S. Government map sources, two 1:100,000-scale DMA charts of the coast of Mindanao were obtained, which had been compiled by the DMA using, in part, U.S. Coast and Geodetic Survey maps constructed prior to 1930. The possibility of the existence of larger scale, more accurate, and/or more recent maps or charts of Mindanao from other than U.S. Government map sources is unknown.

For the Philippines baseline, points were selected only for the purpose of computing the location of an experimental Republic of Palau-Philippine median line. Therefore, the Philippine baseline point set is less extensive than the Republic of Palau baseline point set and, because of the date of the Philippine charts, the coordinate accuracy of the baseline points is unknown.

Republic of Indonesia

The offshore boundary between the Republic of Palau and the Republic of Indonesia is very lengthy and forms much of the south and west offshore boundaries of Palau. The location of a common boundary between Palau and Indonesia would be influenced primarily by the southwest islands of Palau, by several small Indonesian Islands, and by the larger Indonesian islands of Halmahera and Morotai. Through U.S. Government map sources, two 1:500,000-scale DMA Omega charts of the Indonesian islands located south and southwest of Palau were obtained, and a 1:745,000-scale DMA Omega chart of Indonesian and Philippine islands located west of Palau was also obtained. This chart was compiled by the DMA using, in part, maps of the Dutch East Indies constructed prior to 1933. It is not known if larger scale, more accurate, and/or more recent maps or charts of the Indonesian islands might be available from other than U.S. Government map sources.

For the Indonesian baseline, points were selected only for the purpose of computing the location of an experimental Republic of Palau-Indonesian median line. Therefore, the Indonesian baseline point set is less extensive than the Republic of Palau baseline point set and, because of the date and scale of the Indonesian charts, the position coordinate accuracy of the baseline points is unknown.

The Status of Mapia Island (Kepulauan Mapia)

Some Palau Government officials believe that Mapia Island is actually part of the Republic of Palau and not Indonesia. The location of the southern boundary of Palau would obviously be affected significantly if this is true.

Computational Status

All computations needed to determine the approximate locations of the 200-nautical-mile EEZ boundaries to the southeast and to the north and northwest of Palau have been completed. All computations needed to determine the approximate locations of the 12-nautical-mile territorial sea boundaries and 24-nautical-mile contiguous zone boundaries of all of the islands of Palau have also been completed.

The baseline points or points and lines selected as described previously were used for all computations. All computations were based upon three-dimensional geodetic concepts. All distances are arc distances, and are based upon an 1852-meter-nautical-mile of 3.280833 U.S. survey feet per meter. Because the USGS maps of the main islands of Palau were based upon Clarke's Ellipsoid of 1866, all ellipsoidal parameters were also based upon Clarke's Ellipsoid of 1866.

From a technical point of view, the most reasonable and most equitable form of boundaries between the Republic of Palau and neighboring States would be unweighted median lines (equidistant lines), every point of which would be exactly at midpoint between the two opposite coastlines; i.e., every point on the median line would be exactly the same distance from the nearest point on the baseline of the Republic of Palau and from the nearest point on the baseline of a neighboring State.

Because unweighted median lines appeared to be the most reasonable form of common boundaries, all needed computations were performed to determine the locations of experimental median lines between the Republic of Palau, the Federated States of Micronesia, the Republic of the Philippines, and the Republic of Indonesia.

The baseline points or points and lines selected as described previously were used for all computations. In addition, all computations were based upon geodetic concepts and used arc distances.

A recent map or chart of the Ngeruangel Reef does not exist and, except for the Helen Reef, there are no recent maps or charts of the southwest islands of Palau. In addition, common datums among the islands of Palau and between Palau and neighboring States do not exist. As a result, accurate absolute and relative locations of the islands of Palau and of the islands of neighboring States are not known. Therefore, the geographic coordinates and the relative locations of the baseline points of the Republic of Palau and neighboring States are not accurately known. For this reason also, the locations and the geographic coordinates of the end points and angle points of the median lines and other offshore boundaries are not accurately known.

USGS maps, which were constructed from the control stations on the main islands of Palau and the island of Yap, were used for baseline point selection purposes. If geographic coordinates based upon satellite observations, i.e., World Geodetic System 1984 (WGS84) coordinates, are obtained for these control stations, then the WGS84 coordinates of points obtained as a result of other surveying and/or mapping activities tied to these control stations could be derived mathematically. The advantages from additional surveying and mapping include more accurate absolute and relative locations of the baselines, and more accurate median line and other offshore boundary locations.

New or updated charts or maps of most of the Southwest Islands of Palau and Ngeruangel Reef, plus accurate WGS84 coordinates of baseline points along the coastlines of all of the islands of Palau, will be needed before more accurate locations based upon a common datum of all of the offshore boundaries of Palau can be determined. The baseline point coordinates of Palau and its neighbors must both be based upon a common datum before more accurate locations of common boundaries can be obtained.

Archipelagic Baseline

The possible selection by the Republic of Palau of an archipelagic baseline surrounding the main islands is technically possible, but not legally permissible because an agreement between the United States and the Republic of Palau states the Republic of Palau will make no archipelagic claims (see Appendix G). Also, until independence is realized, under the 1982 Law of the Sea, only independent States can claim an archipelagic baseline. It has been determined that an archipelagic baseline surrounding the main islands would have very little effect upon the locations of Palau's international boundaries when compared with a "straight baseline" system.

From the time the Republic of Palau Constitution came into effect on January 1, 1981, there have been considerable discussions by policymakers and others on the archipelagic claim issue. The issue is principally concerned with what baseline theories the Republic should adopt in measuring its internal waters, territorial seas, contiguous zones, and 200-nautical-mile EEZ. The controversy revolves around the following provision of the Constitution:

Article I - Territory

> "Section 1. Palau shall have jurisdiction and sovereignty over its territory which shall consist of all islands of the Palauan archipelago, the internal waters, the territorial waters (sic), extending two hundred (200) nautical miles from a straight archipelagic baseline, the seabed, subsoil, water column, insular shelves, and airspace over land and water, **unless otherwise limited by international treaty obligations assumed by Palau...**" (underlining and boldface added for emphasis).

When the Palau Constitutional Convention was drafting the Republic's Constitution (January to April 1979), the United Nations Law of the Sea was still being negotiated. The intent of the convention delegates, in writing the above provision, was to lay claim to as large an EEZ as possible, provided, however, that such a claim is supported by or conforms with the acceptable international Law of the Sea rules, principles, or practices which at that time were being developed.

The third U.N. Law of the Sea Convention (opened for signatures in December 1982 at Montego Bay, Jamaica) expressly provides that, to be eligible as an archipelagic State, the ratio of the nation's land to water claimed must be 1 to 1 or up to 1 to 9. The meager size of the Republic's land area in relation to the vast expanse of ocean between Angaur and Tobi islands, that otherwise would be claimed under archipelagic theory, renders Palau ineligible to claim or employ an archipelagic baseline.

The U.S. and Palauan Compact negotiators in the early 1980's were aware of the Republic's ineligibility for archipelagic claim and thus reiterated this fact in the subsidiary "Agreement

Regarding Jurisdiction and Sovereignty of the Republic of Palau over its Territory and Living and Non-Living Resources of the Sea."

Thus, Article I, Section 1, provides:

> "Pursuant to the last clause of the first sentence of Article I, Section 1 of the Constitution of the Republic of Palau, the Government of the Republic of Palau defines, by this Agreement, the jurisdiction and sovereignty of the Republic of Palau over its territory and the living and non-living resources of the seabed, subsoil and water column as follows:
>
> "The Republic of Palau has jurisdiction and sovereignty over its territory, which includes its land and its internal waters, territorial seas, and airspace superjacent thereto, only to the extent permitted by international law. The Government of the Republic of Palau shall not claim an archipelago or a regime of archipelagic waters" (underscore added).

It has been alleged that the foregoing language supersedes or somehow renders Article I, Section 1, of the Palau Constitution subservient to the Compact. To the contrary, the provision was negotiated in conformity with and reinforcement of the constitutionally mandated limitation on claim for archipelago or regime of archipelagic waters.

Refinement of the extent of the Republic's maritime jurisdiction continued to be of major concern and was subsequently identified by the 1989 Commission on Future Palau/U.S. Relations to be among major topics for further discussions with the United States.

Consequently, Article VIII of the Guam Accord or the subsidiary "Agreement Concerning Special Programs Related to the Entry into Force of the Compact of Free Association between the Government of the United States and the Government of the Republic of Palau" provides in part:

"5. Maritime Space Jurisdiction.

> The Government of the United States and the Government of Palau **interpret** the provisions of the Agreement Regarding the Jurisdiction and Sovereignty of the Republic of Palau over its Territory and Living and Non-Living Resources of the Sea and referred to in Section 462(j) of the Compact **as in no way preventing the Government of Palau from exercising its rights as to its continental shelf or from declaring an exclusive economic zone, in manners consistent with the Third United Nations Convention on the Law of the Sea and the principles of international law"** (boldface added for emphasis).

It is clear that the Republic of Palau does not meet the internationally accepted criteria to qualify as an archipelagic state. Unwavering claim for archipelagic regime is not what the convention delegates intended under Article I, Section 1, of the Constitution. Anticipating the potential for conflicts with the then developing U.N. Convention on Law of the Sea, the framers of the Constitution wrote into the territorial jurisdiction Article a proviso or limitation designed to accommodate such exigency.

Having become a signatory to the U.S./Palau Law of the Sea Compact subsidiary agreement, the Republic has assumed "international treaty obligations" that limit it from asserting an archipelagic regime. Moreover, once Palau becomes a signatory to the third U.N. Convention on the Law of the Sea upon the change of its political status, treaty obligation limitation will once more be reinforced.

Chapter 9: Automated Land Records Management System (ALRMS)

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An Automated Land Records Management System (ALRMS) was initiated in 1984. ALRMS allows the Republic of Palau Bureau of Lands and Surveys and the Land Claims Hearing Office to rapidly perform land records processing. Property owners and other authorized persons can obtain copies of official land records expediently. Because of the speed and extensive cross-referencing capabilities of the automated system, it is possible to perform a title search to verify legal ownership of a parcel of land or to examine all records related to a parcel of land in minutes. Records are kept current by continuously updating and adding new records. ALRMS is currently operational and it is intended that copies of all necessary land records will be entered into the system.

Land Records Defined

Land records are defined as documents containing data associated primarily with the ownership, identification, and description of parcels of land. Information associated with a parcel of land might typically include historical lists of landowners' names and dates of change of ownership, certificate of registration number, cadastral lot number, cadastral plat number on which the lot is shown, size of lot, legal land description, related court decisions, and similar information. Documents associated with the parcel of land might include the current certificate of registration, a survey plat, etc.

By using an automated system the task of keeping records updated and free of errors is greatly simplified; and because copies of records are used, rather than originals, problems associated with the preservation, security, and maintenance of land records are greatly reduced.

Source Material From Which ALRMS Files Are Created

The types of land records accessed by the automated system include Cadastral Land Records, Japanese Tochi Daicho Land Records, Civil Action Case Records, Appealed Determination of Ownership Records, Land Transaction Index Records, Legal Land Description Records, and Cadastral Corner Coordinate Records.

Cadastral Land Records

Information associated with lots surveyed after World War II by the Republic of Palau and the Trust Territories of the Pacific Islands is recorded in Cadastral Land Records files. The information recorded for each lot includes the cadastral lot number, cadastral plat number on which the cadastral lot is shown, Tochi Daicho lot number, Daicho landowner, title certificate number, date of issue of title certificate, registered landowner, surveyed area, and Palauan land name.

Tochi Daicho Land Records

Information associated with lots surveyed during the time of the Japanese administration is recorded in Tochi Daicho Japanese Land Record files. The information recorded for each lot includes the Tochi Daicho lot number, land use description, surveyed area, Daicho landowner, land administrator, and land location and/or house address, when applicable.

Legal Land Descriptions

The legal description of each cadastral lot in terms of metes and bounds is recorded in Legal Land Description files. Also recorded are the cadastral lot number, Tochi Daicho lot number, and surveyed area.

Land Transaction Index

A variety of significant lot-related activities are recorded in the Land Transaction Index. Significant transactions include such activities as the transfer of title, the subdivision of one lot into two or more lots, the combination of two or more lots into one lot, the existence of a loan secured by the property, etc. The information recorded for a lot involved in a transaction includes, when applicable, the new cadastral lot number, new title certificate number, new property owner, Tochi Daicho lot number, appraised value code, existence of a lien or loan, previous cadastral lot number, previous title certificate number, and previous property owner.

Cadastral Lot Corner Coordinate Records

The boundary of each cadastral lot is described by metes and bounds (defined in terms of bearings and distances) which is recorded in Legal Land Description files, and by the coordinates of angle points or lot "corner." For each cadastral lot corner, plane coordinates have been computed, and in some cases the corner elevation has been determined. Cadastral Lot Corner Coordinate records include the cadastral lot number, corner number, north coordinate, east coordinate, elevation, and remarks.

Appealed Determination of Ownership Records

When the ownership of a parcel of land has been contested and the determination of ownership has been referred to the courts, the LCHO keeps track of those cases in Appealed Determination of Ownership files. Appealed Determination of Ownership Records include the Tochi Daicho lot number, cadastral lot number or worksheet number, determination number or civil action case number, names of appellant and appellee, land hearing number, State, and land name.

When a decision has been reached, the name of the person favored by the decision is also recorded.

Civil Action Land Case Records

Significant civil action land cases which are related to the ownership of a parcel of land are recorded in Civil Action Land Case files. Civil Action Land Case Records include the civil action case number, reference date and page, Tochi Daicho or cadastral lot number, names of plaintiff and defendant, type of case, state and location, and remarks related to the decision.

System Operation

When land records management operations are automated, copies of land records information are entered into the computer and stored in files on disks. Effective automated land records management system files will either contain all needed information or will contain references to the locations of other material that cannot be stored in the computer on disks. A logical and efficient system for entering data into the computer, editing and updating data, locating needed information, identifying related information through quick and accurate cross-referencing, and rapid retrieval, display, and/or copying of information is provided by the system and by land records management computer programs.

Description of ALRMS

ALRMS is an information storage, retrieval, analysis, and display system which is used to 1) create, edit, maintain, organize, and update several different types of land records data files; 2) locate, sequence, and display information stored within the data files using several different data elements, such as lot numbers, certificate of registration numbers, land names, or owners' names for location purposes; 3) relate, cross-reference, and display information associated with a particular parcel of land or landowner which might be stored in more than one file; 4) produce printed copies of information that can be used as legal documents; and 5) produce reports summarizing information contained within the files.

The data stored within the ALRMS file include actual land record information, such as lot numbers, certificate of registration numbers, owners' names, legal descriptions, coordinates of lot corners, lot sizes, etc., or references to other forms of information, such as survey plats on which a lot is shown or file folders which contain original documents such as certificates of registration, etc.

In order to provide cross-referencing capabilities among the particular land records files and to provide up-to-date land ownership information for title searches, a set of files--the Land Transaction Index--was created.

The Land Transaction Index contains information from past records of land transaction activities. To keep the index current, records are added to the Land Transaction Index whenever a parcel of land is subdivided into two or more parcels, when two or more parcels of land are combined into one parcel, or when the ownership of a parcel of land is transferred to a new owner. In addition, other information can be added to the Land Transaction Index such as the existence of a lien against the property, a loan for which the property was used as collateral, appraised value, tax information, etc.

ALRMS Computer Programs

The ALRMS software consists of eight computer programs. Seven of the programs are data file management programs--one for each different type of data file. For example, program WB70 is an interactive/conversational type of computer program that is used to 1) create, store, and maintain Cadastral Land Records files and/or 2) read, search, and manipulate cadastral land record files. Guided by prompts, questions to be answered, and instructions that appear on the terminal screen, a terminal operator can create new data files, or after the files have been created, an operator can keep the files up-to-date by adding new records, deleting old records, or correcting data errors in existing records in newly created or previously created data files.

Program WB70 will also 1) display on the screen and/or print on paper all of the land records in a file or any group of related records in the file; 2) search for, display, and/or print a particular cadastral land record if the cadastral lot number, Tochi Daicho lot number, title certificate number, registered landowner's name, trustee's name, Daicho owner's name, or Palauan land name is known; and 3) sequence all land records in either ascending or descending order by cadastral lot number, Tochi Daicho lot number, title certificate number, registered landowner's name, trustee's name, Daicho owner's name, or Palauan land name.

The remaining program is used to locate, examine, and display related data records that are stored in several different types of data files. For example, WB81 can examine all of the records related to a particular parcel of land or related to a particular landowner.

More specifically, WB81 is an interactive/conversational type of computer program that is used to search for and cross reference records in Land Transaction Index Files, Cadastral Land Record Files, Legal Land Description Files and Tochi Daicho Land Record Files. In any of these files, records can be located by cadastral lot number, Tochi Daicho lot number, title certificate number, or Palauan land name.

Typical Services

Often certified copies of land records information are needed, e.g., a bank might require proof of ownership of a parcel of land before granting a loan for which the land will be used as collateral. By using the automated system, the necessary information can be located, a copy produced, and the copy certified and signed by an appropriate official in a short time.

Reports of the location and examinations of large numbers of land records can be obtained using this automated system, e.g., a list of all of the lots in a particular state arranged in alphabetical order according to the owners' names, by lot number, or by some other feature. Printed copies can be quickly produced.

Chapter 10: Surveyor's Certificates (Reserved)

Chapter 11: Contracting (Reserved)

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Chapter 20: Ethics

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Code of Ethics

Surveyors licensed by the Republic of Palau shall be guided by this Code of Ethics whether practicing the profession in Palau or any other country or jurisdiction:

Surveyors shall hold the safety, health, and welfare of the public as their prime responsibility.

Surveyors shall perform services only in the areas of their competence.

Surveyors shall communicate with an objective and truthful demeanor.

Surveyors shall act in professional matters for each employer or client as faithful agents without conflicts of interest.

Surveyors shall uphold, enhance, and promote the honor, integrity, and dignity of their profession.

Surveyors shall continue their professional development throughout their careers.

Surveyors shall support the professional and technical advancements of their discipline.

In all of their professional work, surveyors will be guided by these tenets:

Property ownership is established by usage and legal right.

Ownership of property is protected by the Constitution and can only be affected by due process of law.

Property and the location of that property can only be changed by due process of law.

There is no right for any government agency or body to arbitrarily change the location of any boundary line.

There is no right for any surveyor or engineer to arbitrarily change the location of any boundary line.

Importance of the Survey

"The survey and the survey certificate are integral and necessary components of any sophisticated real estate transaction."

"A survey performed by a surveyor with the requisite expertise and knowledge is the only reliable means for obtaining and confirming certain information regarding property:

(1) to locate and identify the existence of the property;
(2) to determine the relationship of the property to adjoining property;
(3) to identify any discrepancies between actual occupation or use and the recorded description;
(4) to ascertain locations of physical improvements in relation to the boundary lines of the property; and
(5) to identify items that are obvious upon inspection of the property that are not necessarily recorded."

"Furthermore, the surveyor is the only professional in a real property transaction who is uniquely qualified to ascertain certain information such as whether the property violates zoning ordinances (e.g., height, size, setback, and parking requirements) and whether the property is located in a flood hazard area."*

* From *Understanding and Negotiating Survey Certificates,* by Vanessa L. Washington, Esq.

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Appendix A: Cadastral Control Surveys

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Cadastral Control Surveys (CCS) establish auxiliary control for cadastral survey and other applications. Included in this Appendix are conventional and satellite (Global Positioning System) techniques.

The standards and specifications given in this Appendix constitute a set of guidelines (not requirements) until such time as the National Surveyor determines that all of the capabilities and informational resources exist to accomplish the given accuracies. These standards may be used for contract preparation.

Conventional Instrumentation

The CCS standards and specifications establish a method for evaluating the connection of the existing geodetic network with legal surveys, employing conventional surveying instruments such as theodolites, Electronic Distance Meters (EDMs) and total stations. The CCS standards and specifications offer guidelines on methodology, and express accuracy standards in both practical and economically achievable terms.

A CCS is classified according to accuracy and redundancy. The procedures to achieve classification include field measurement, reduction, and adjustment.

The CCS standard consists of three major components: accuracy, methodology, and redundancy, each having its respective minimum. Traditionally, the relative accuracy, expressed as a ratio of a distance and its corresponding standard deviation, has been the primary measurable indicator of a particular survey order. The CCS standards incorporate two of the three factors.

Distance Accuracy

The distance accuracy standard is based on the standard deviation. The relative accuracy relationship of two stations having their respective geographic coordinates, latitude and longitude, may be expressed in several ways:

> **Distance Accuracy:** Formerly used by the U.S. National Geodetic Survey (NGS) and defined in part as "...the ratio of the relative positional error of a pair of control points to the horizontal separation of those points."
>
> **Confidence Region:** Presently used by Surveys and Mapping Branch, Ottawa, Canada. It is "...a region within which we have a degree of confidence (expressed as a percentage) that an actual value lies."

Confidence Interval: Another method to express an accuracy relationship between two stations. It is "...an interval within which we have a specified degree of confidence (expressed as a percentage) that an actual value lies."

The CCS distance accuracy standard is expressed in terms of Maximum Allowable Distance Error (MADE):

$$MADE\ (cm) = C[D(km) + 0.33]$$

where:

C is a classification constant: C = 10 (see Table 2)
D is the distance in kilometers.

The MADE is compared with three (3) times sigma, where sigma is the Distance Standard Error (DSE) derived from minimally constrained least squares adjustment. Three (3) times sigma must be less than or equal to MADE for any two stations to be classified:

$$3DSE(cm) \leq MADE(cm)$$

A minimally constrained least squares adjustment has one point and one direction held fixed as control, and checks the internal consistency of the survey observations. The distance accuracy standard is a statement of the quality of survey observations with respect to each other, rather than with respect to a defined control system.

Table 1 illustrates examples of MADE for traverses of various lengths.

Methodology

The method of traversing has been chosen over the classical methods of triangulation and/or trilateration. The simplicity, economics, and specialized functions of CCS are reasons for the selection.

The traverse may be supplemented or even replaced by intersection, provided the conditions of accuracy and redundancy are satisfied.

The CCS methodology standard requires a 3-D traverse with eccentric stations and double observations.

Table 1. Maximum Allowable Distance Error (MADE)		
Distance	**MADE C(D+0.33)**	**C = 10**
D = 0.1 km	MADE (cm) ppm ratio	4.3 430 2300
D = 0.3 km	MADE (cm) ppm ratio	6.3 210 4800
D = 1.0 km	MADE (cm) ppm ratio	13.3 133 7500
D = 3.0 km	MADE (cm) ppm ratio	33.3 111 9000
D = 10 km	MADE (cm) ppm ratio	103.3 103 9800

Redundancy

Redundancy is an essential factor in determining reliability and quality of a control survey; no meaningful error analysis can be performed without sufficient redundancy.

Considering the method of 3-D CCS traverse, and a conventional number of observations, the redundancy (number of degrees of freedom) is low (4 for any number of traverse stations), and the rigorous adjustment and standard errors of the unknowns assume a low reliability factor.

The deficiency may be corrected by adding extra observations--specifically, horizontal directions, zenith distances, and slope distances--and by modifying the traverse geometry by the introduction of eccentric stations. These two considerations will provide the desirable percentage of redundancy (250 percent).

Classification

There must be a proper balance and correlation among accuracy, methodology, and redundancy. Exaggeration in one area will not compensate for deficiency in other areas. For example, a traverse having a single observation of high precision will still result in low redundancy and therefore low reliability.

The CCSs are classified according to compliance with a) accuracy and methodology or b) accuracy and redundancy standards.

CCS classification for methodology and redundancy:

Constant C	Methodology	Redundancy
10	3-D traverse with double observation & eccentric stations or intersection	250%

Field Procedures

The following instructions and general guidelines apply:

- The monuments for which geographic coordinates will be established will be an integral part of the traverse. Side shots are not permitted. However, a combination of traverse and intersection is acceptable, provided the redundancy requirements are satisfied.

- Measurements will commence at a horizontal control station having known coordinates of third order Federal Geodetic Control Committee (FGCC) standards or better; elevation above Mean Sea Level (MSL) to be known to $\pm$ 1 meter, or the best available value should be used.

- Measurements will terminate at different horizontal control stations having the same properties as above.

- Initial azimuth orientation and final azimuth checks may be obtained from observing the direction to:

  a. a horizontal control station
  b. an azimuth mark
  c. an astronomic azimuth

- The ratio between the longest and the shortest distance within a traverse should not be greater than 5.

The following field specifications are based on practical experience:

Traverse Geometry

Maximum number of traverse stations	30
Azimuth check; at least once every	15 courses

Directions

Minimum number of sets	4
Maximum standard error of horiz. angle	5"
Maximum standard error of the mean of horizontal angle	3"

Zenith Angles

Minimum number of sets	2
Maximum standard error of zenith angle	8"
Maximum standard error of the mean of zenith angle	6"
Maximum error in measuring height of instrument and height of target	+0.03 ft. (1 cm)

Slope Distances

Minimum number of observations	6
Maximum standard error (including effects of instrument, centering, temperature, etc.)	30 ppm

Astronomic Azimuth

Minimum number of sets	4
Maximum standard error	4"
Maximum standard error of the mean	2"

Traverse Closure

Azimuth closure (N = number of courses)	6"$\sqrt{}$ of N
2-D position closure (L = total length of traverse in kilometers)	0.3m$\sqrt{}$ of L

The 3-D position closure will be influenced by the quality of elevations at the beginning and the end of traverse and by effects of refraction. A misclosure of several meters may not be uncommon.

Instrumentation

The basic instruments used in performing CCS are a 1-second theodolite and an EDM. In addition, any type of total station may be used as long as the horizontal circle resolution is equal to or better than 1 second of arc.

The theodolite should be well maintained and properly adjusted to minimize instrumental errors; (cross hair, collimation, bubble, etc). The EDM should be regularly serviced (at least once a year) and frequently calibrated (at least twice a year) over baselines.

Monumentation

All main control stations established by the CCS field crews will be monumented and set in cement. The eccentric (auxiliary) stations will be monumented with bridge planking nails or rebars.

Office Procedures

The field observations will be processed by employing any sound 3-D geodetic theory. In addition, the mathematical model will provide for available Guam datum, geoidal parameters, and refraction.

The adjustment model will include:

1. Detection of systematic errors
2. Detection of blunders
3. Least squares adjustment
4. Statistical testing
5. Coordinate standard errors and error ellipses
6. Distance standard errors

The adjustment model will examine and test the relation between an a priori variance and an a posteriori variance derived from minimally constrained least squares adjustment. The test results indicate the internal quality of a survey. If there is a significant difference, new and more realistic a priori standard errors should be determined.

Similar testing will be done using the results of fully constrained least squares adjustment. This test indicates the overall quality of a survey and the agreement with the original network.

If there are no major inconsistencies, the CCS is accepted and classified according to the standards and specifications.

Examples

The 3-D CCS traverse with double observations (Fig. 1) is defined as a traverse in which the observations are collected in such a fashion as to allow for two independent (forward and backward) determinations of the 3-D geodetic coordinates: latitude, longitude, and elevation.

a. All horizontal angles are determined by observing horizontal directions in two independent backsight-foresight and foresight-backsight sequences, and checked for closure.

b. All zenith angles are observed at each station (backsight-foresight).

c. All slope distances are measured at each station (backsight-foresight).

The 3-D CCS traverse (Fig. 2) requires every other station to have an eccentric (auxiliary) point located relatively close (2-10 meters) to the traverse station.

The intersection may be defined as a 3-D CCS traverse with double observations having only one traverse station.

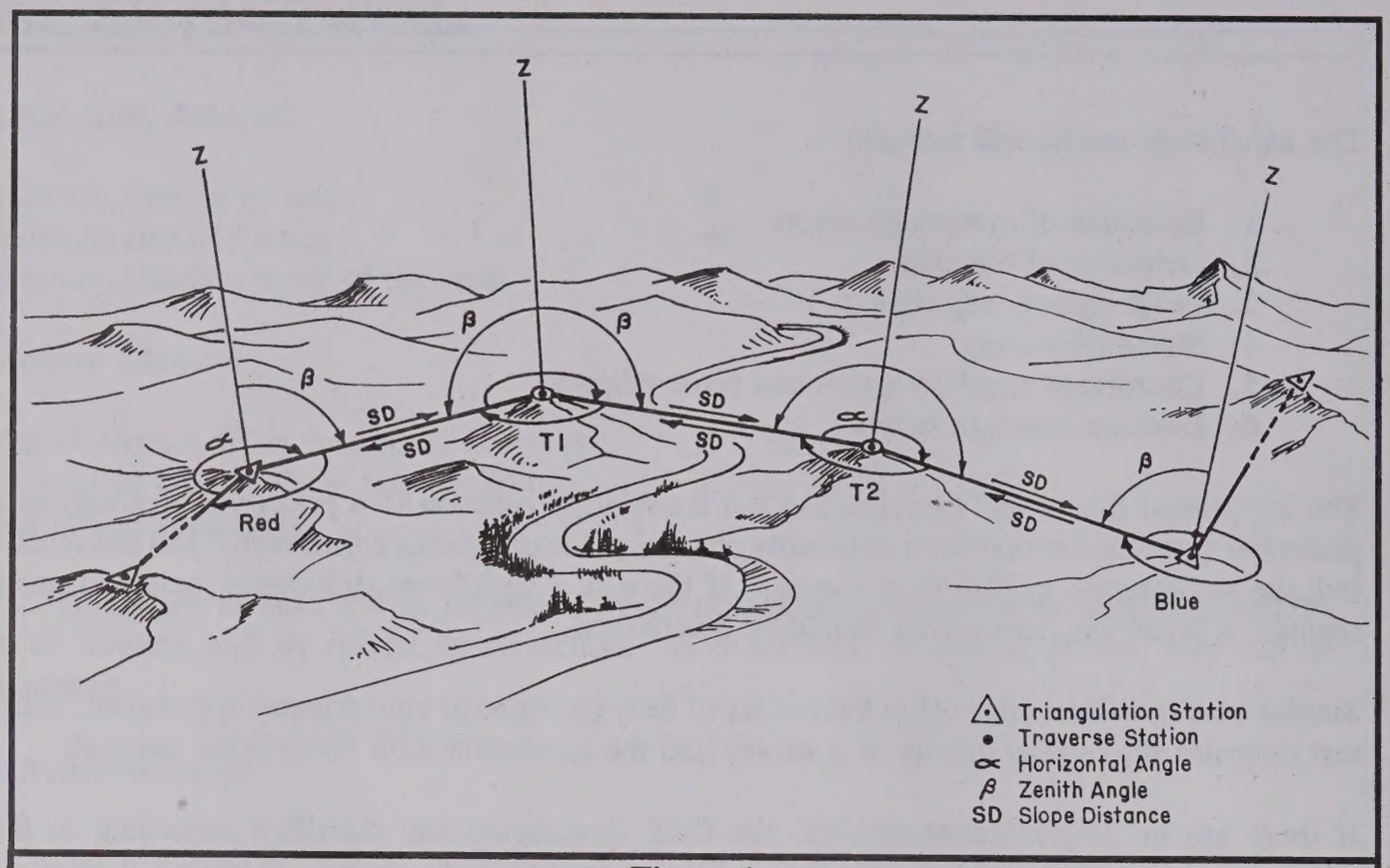


Figure 1

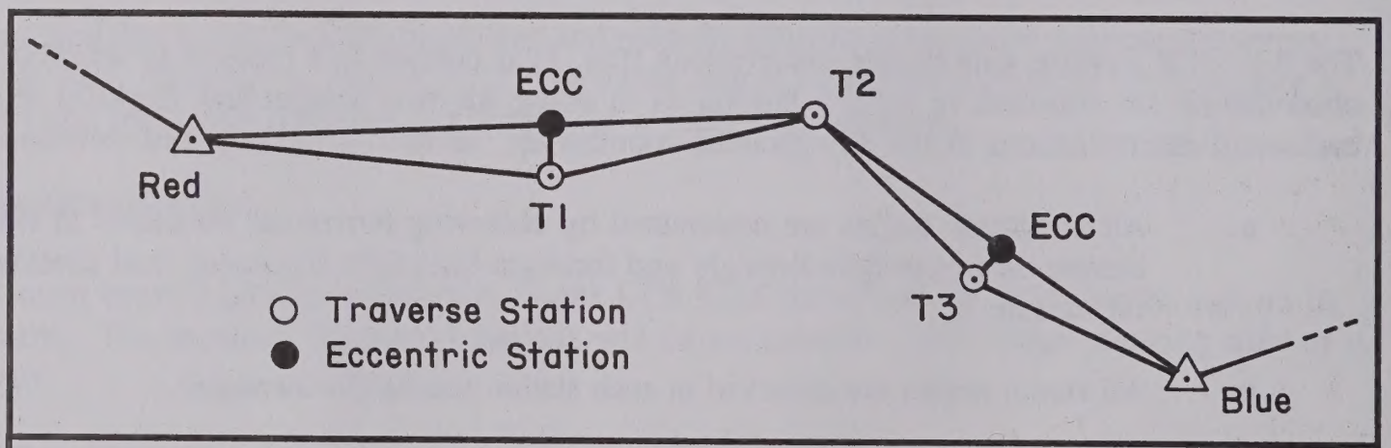


Figure 2

Horizontal Directions

A set of observations includes executing the following steps:

1. Face Left	2. Face Right
a. Swing clockwise	a. Swing counterclockwise
b. Observe backsight (BS) target	b. Observe FS target
c. Swing clockwise	c. Swing counterclockwise
d. Observe foresight (FS) target	d. Observe BS target

These observations comprise one complete set from which a horizontal angle is computed. The initial horizontal circle setting is determined by 180/n, where n is the number of sets. A similar rule applies for setting minutes and seconds.

Example: (1-second theodolite with 10-minute micrometer drum)

2 Sets	4 Sets	6 Sets
1.00°00'10"	1.000°00'10"	1.000°00'10"
2.90°05'40"	2.045°02'40"	2.030°01'50"
	3.090°05'10"	3.060°03'30"
	4.135°07'40"	4.090°05'10"
		5.120°06'50"
		6.150°08'30"

The above instructions apply to Wild T2 or a similar 1-second theodolite. Use manufacturer's suggested procedures for any other type of direction (angle) measuring instrument.

Zenith Angles

A set consists of observing the target in both face left and face right positions from which a zenith angle is computed. It is usually done while observing horizontal directions.

Standard Error

In general, standard error, sigma, is defined as a measure of precision. It is also known as Root-Mean-Square (RMS) error; approximately 68 percent of all random errors should be less than or equal to the standard error:

$$\text{sigma} = \sqrt{[vv]/(n-1)}$$

where:

[vv] is the sum of the squared residuals
n is number of observations.

$$\text{standard error of the mean} = \text{sigma}/\sqrt{n}$$

Weights, Variance of Unit Weight

The weight p of an observation is inversely proportional to the variance (sigma^2) and is expressed as:

$$p = K/\text{sigma}^2$$

where K is the variance factor and can be any convenient number. If p = 1 then an a priori variance of unit weight, $\text{sigma}^2 = K$.

The a posteriori variance of unit weight sigma^2 is derived from the minimally constrained least squares adjustment:

$$\text{sigma}^2 = [pvv]/r$$

where r denotes the redundancy or number of degrees of freedom.

Redundancy

The redundancy r is the difference between the total number of observations n, and the minimum number of observations u required to determine the given mathematical model.

$$r = n - u$$

The redundancy may also be expressed in terms of percentage relative to the number of unknowns:

$$r(\%) = (r/u)100$$

The following examples demonstrate the relationship between methodology and redundancy "T" denotes traverse stations; ECC denotes eccentric stations.

Redundancy Comparisons

3-D CCS traverse with eccentric stations and single observations:

T	u	n	r	r%
1+1ECC	6	17	11	183
2+1ECC	9	20	11	122
3+2ECC	15	32	17	113
4+2ECC	18	35	17	94
5+3ECC	24	47	23	96
6+3ECC	27	50	23	85
20+10ECC	90	155	65	72
30+15ECC	135	230	95	70

3-D CCS traverse with eccentric stations and double observations:

T	u	n	r	r%
1+1ECC	6	34	28	467
1+2ECC	9	40	31	344
3+2ECC	15	64	49	327
4+2ECC	18	70	52	289
5+3ECC	24	94	70	292
6+3ECC	27	100	73	270
20+10ECC	90	310	220	244
30+15ECC	135	460	325	241

Miscellaneous

Least squares adjustment - A mathematical method of determining the most probable values of a series of quantities (latitude, longitude, elevation, etc.) from a set of observations (horizontal angles, zenith distances, slope distances) greater in number than are necessary to determine those quantities.

A priori standard error - An estimated standard error before adjustment.

A posteriori standard error - A computed standard error derived from least squares adjustment.

Global Positioning System (GPS)

GPS accuracy standards are consistent with the terrestrial standards employing conventional instrumentation developed for the CCS. They are a logical extension of the same philosophy which is based on the evaluation of distance standard error and redundancy. As such, many statements in the terrestrial standards apply equally to the GPS standards, and only the differences between them will be noted.

The CCS GPS standard has only two components--distance accuracy and redundancy--both having their respective minima which provide the basis for survey classification. Thus, consistency is maintained with the terrestrial standard, although the terrestrial standard also has a methodology component. (Because of the nature of GPS surveying, a specific methodology component is not necessary).

GPS surveys are classified as either class A or class B: the appropriate class is determined by evaluating the MADE, redundancy factor, and distance standard error. These factors are discussed in the following distance accuracy and redundancy descriptions.

Distance Accuracy

The distance accuracy standard is expressed in terms of (MADE):

$$\text{MADE (cm)} = C[D(\text{km})+0.33]$$

where:

C is a distance classification constant
D is a distance between any two stations that are being classified (examined).

Distance classification constants:

Class A $C = 2$
Class B $C = 6$

The MADE is compared with three (3) times the DSE, and the following relationship must be satisfied in order to meet the distance accuracy standard.

$$3\text{DSE (cm)} \leq \text{MADE (cm)}$$

Table 2 shows MADE values, parts per million (ppm), and ratios of distances/MADE for various lengths.

Table 2. Maximum Allowable Distance Error (MADE)

MADE (cm) = C[D (km) + 0.33]

D (km)		GPS		Terrestrial
		Class A C = 2	Class B C = 6	C = 10
D = 0.1	MADE (cm)	0.9	2.6	4.3
	ppm	86	258	430
	ratio	11,600	3,900	2,300
D = 0.3	MADE (cm)	1.3	3.8	6.3
	ppm	42	126	210
	ratio	23,800	7,900	4,800
D = 1.0	MADE (cm)	2.7	8.0	13.3
	ppm	27	80	133
	ratio	37,600	12,500	7,500
D = 3.0	MADE (cm)	6.7	20.0	33.3
	ppm	22	67	111
	ratio	45,400	15,000	9,000
D = 10.0	MADE (cm)	20.7	62.0	103
	ppm	21	62	103
	ratio	48,400	16,100	9,800
D = 30.0	MADE (cm)	60.1	182	303
	ppm	20	61	101
	ratio	49,500	16,500	9,900
D = 50.0	MADE (cm)	101	302	503
	ppm	20	60	101
	ratio	49,700	16,600	9,900

Redundancy

The GPS redundancy standard is defined in terms of a relationship between redundancy classification constant R and a redundancy factor RF.

Redundancy classification constants:

Class A R = 2.5
Class B R = 2.0

The redundancy factor is expressed as a ratio of a number of baselines and a number of unknown stations:

$$RF = B/S$$

where:

B is a number of baselines
S is a number of unknown stations.

The redundancy factor computed for a survey project is compared with the redundancy classification constant R, and the following condition must exist in order to classify a survey:

$$RF \geq R$$

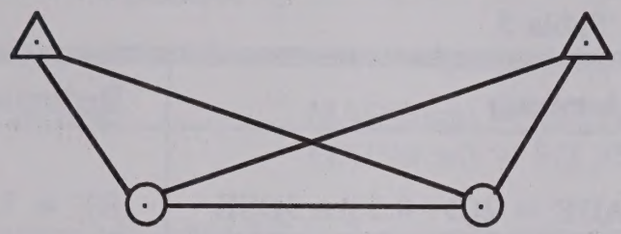
Figure 3 illustrates RFs computed for various baseline configurations.

REDUNDANCY FACTOR (RF)

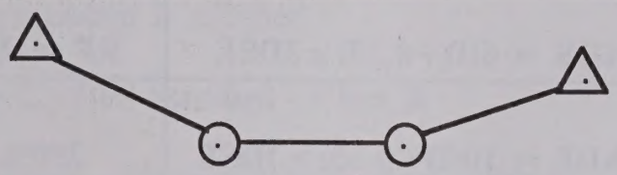
$$RF = \frac{B}{S}$$

△ = Control station B = Number of baselines

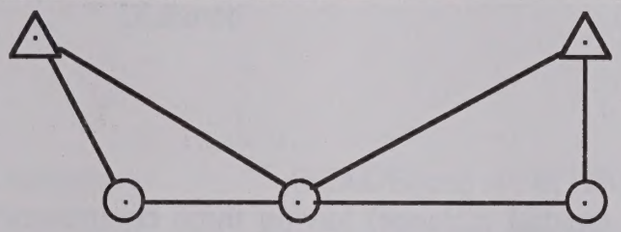
⊙ = Unknown station S = Number of unknown stations



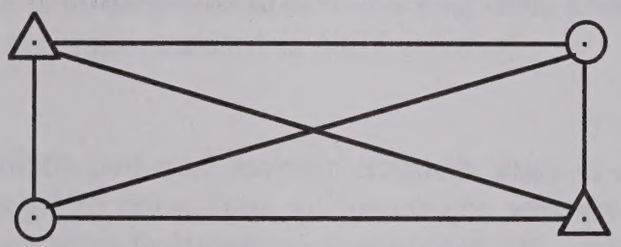
B = 5; S = 2; RF=2.5



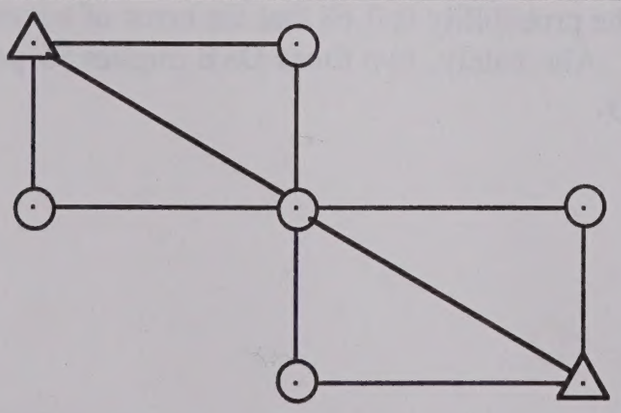
B = 3; S = 2; RF=1.5



B = 6; S = 3; RF=2.0



B = 6; S = 2; RF=3.0



B = 12; S = 5; RF=2.4

Figure 3

Summary

The GPS CCSs are classified according to compliance with accuracy and redundancy standards. Table 3 summarizes the classification requirements for both GPS and terrestrial surveys.

Table 3

CCS	Class	Accuracy	Redundancy
GPS	A	MADE = 2(D+0.33) ≥ 3DSE	RF ≥ 2.5
	B	MADE = 6(D+0.33) ≥ 3DSE	RF ≥ 2.0
Terrestrial		MADE = 10(D+0.33) ≥ 3DSE	250%

Definitions and Examples

Baseline

A GPS baseline is a mark-to-mark vector (spatial distance) having three components: north, east, and up. The components are based on a local geodetic coordinate system.

DSE

A DSE indicates the precision of a mark-to-mark distance between any two stations. It is derived from minimally constrained least squares adjustment by application of rigorous laws pertaining to the propagation of random errors. By definition from statistical error analysis, the DSE implies 68 percent uncertainty; i.e., the probability is 0.68 that the error of a measurement will not exceed the magnitude of the DSE. Alternately, two times DSE implies 95 percent and three times DSE 99.7 percent, respectively.

Computation of MADE

Example 1. GPS Standard - Class A

Given: Distance classification constant C = 2 (from Table 2)
Distance D = 3,750.000 m
DSE = 2.5 cm, from least squares adjustment

Compute: MADE(cm) = C[D(km)+0.33]
MADE(cm) = 2(3.750+0.33) = 8.2 cm

A comparison of the MADE (8.2 cm) with three times DSE (7.5 cm) indicates that the distance accuracy standard is satisfied.

Example 2. GPS Standard - Class B

Given: Distance classification constant C = 6 (from Table 2)
Distance D = 7,500.000 m
DSE = 17.0 cm, from least squares adjustment

Compute: MADE(cm) = 6(7.500+0.33) = 47.0 cm

A comparison of the MADE (47.0 cm) with three times DSE (51.0 cm) indicates that the distance accuracy standard is NOT satisfied.

Appendix B: ACSM Minimum Angle, Distance, and Closure Requirements

APPENDIX

CLASSIFICATIONS OF ALTA-ACSM LAND TITLE SURVEYS

(AS MODIFIED FOR ROP LEGAL LAND SURVEYS)

AMERICAN CONGRESS ON SURVEYING and MAPPING
MINIMUM ANGLE, DISTANCE and CLOSURE REQUIREMENTS FOR CLASSES OF SURVEYS

(MODIFIED FOR ROP)

(1)

SURVEY CLASS	DIR. READING OF INSTRUMENT (2)	INSTRUMENT READING ESTIMATED (3)	NUMBER OF OBSERVATIONS PER STATION (4)	SPREAD FROM MEAN OF D&R NOT TO EXCEED (5)	ANGLE CLOSURE WHERE N = NO. OF STATIONS NOT TO EXCEED	LINEAR CLOSURE (6)	DISTANCE MEASURE-MENT (7)	MINIMUM LENGTH OF MEASURE-MENTS (8), (9), (10)
URBAN	20" < 1'> [10"]	10" < 0.1'> N.A.	2 D&R	10" < 0.2'> [10"]	15" $\sqrt{N}$	1 : 10,000	EDM or steel tape	(8) 54m, (9) 102m (10) 14m
SUBURBAN	(20") < 1'> [20"]	N.A.	1 D&R	(20") < 0.3'> [20"]	20" $\sqrt{N}$	1 : 7,500	EDM or steel tape	(8) 40m, (9) 76m (10) 10m
RURAL	(1') < 1'> [1']	N.A.	1 D&R	(30") < 0.5'> [30"]	30" $\sqrt{N}$	1 : 5,000	EDM or steel tape	(8) 27m, (9) 51m (10) 7m

Note (1) All requirements of each class must be satisfied in order to qualify for that particular class of survey. The use of a more precise instrument does not change the other requirements, such as number of angles turned, etc.

Note (2) Instrument must have direct reading of at least the amount specified (not an estimated reading), i.e.: 10" = Micrometer reading theodolite, <1'> = Scale reading theodolite, [10"] = Electronic reading theodolite, (20") = Micrometer reading theodolite, or a vernier reading transit.

Note (3) Instrument must have the capability of allowing an estimated reading below the direct reading to the specified reading.

Note (4) D&R means the Direct and Reverse positions of the instrument telescope, i.e., Urban Surveys require that two angles in the direct and two angles in the reverse position be measured and meaned.

Note (5) Any angle measured that exceeds the specified amount from the mean must be rejected and the set of angles re-measured.

Note (6) Ratio of closure after angles are balanced and closure calculated.

Note (7) All distance measurements must be made with a properly calibrated EDM or Steel tape, applying atmospheric, temperature, sag, tension, slope, scale factor and sea level corrections as necessary.

Note (8) EDM having an error of 5 mm, independent of distance measured (Manufacturer's specifications)

Note (9) EDM having an error of 10 mm, independent of distance measured (Manufacturer's specifications)

Note (10) Calibrated steel tape.

Appendix C: Positional Tolerance and Classification

Class*	Computation	Not to Exceed
Urban	-	± 3 cm
Suburban	± .0008 x S	± 7.6 cm
Rural	± .0008 x S	± 61 cm

S = distance to any adjacent corner

Example:

Suburban class survey, S = 20.59 m
± .0008 x 20.59 = ± 1.6 cm
± 1.6 cm < ± 7.6 cm and is the acceptable tolerance for a distance of 20.59 m

Suburban class survey, S = 102.23 m
± .0008 x 102.23 = ± 8.2 cm
± 7.6 cm is the acceptable tolerance; 8.2 cm is not acceptable. This distance (102.23 m) has a tolerance of ± 7.6 cm

* Urban class surveys are designated for extensively developed properties which require maximum survey accuracy. Included are urban business districts and highly developed commercial properties. Multiunit developments are included irrespective of location.

Suburban class surveys are designated for commercial and residential properties which are located outside urban environments.

Rural class surveys are designated for rural environments.

The stated or computed tolerances are based on the radius of a circle centered on the theoretical point for a corner.

Appendix D: Field Note Requirements

Each separate field book must be descriptively and appropriately labeled on the cover and should include the following information.

First page:

Descriptive heading, e.g., Field Notes of Ngerchemai Subdivision Phase II, October 14-November 10, 1992, 2nd Book.

Name of state or municipality.

Name of surveyor or surveyors in charge and principal field assistants.

Second page:

Type and model numbers of instruments used.

Description of coordinate system used if different from the Palau Coordinate System.

Statement of how bearings were obtained.

Source of aerial photographs used in the survey.

Explanation of nonstandard abbreviations or symbols; i.e., m for meter need not be explained; PL for private land should be explained.

General:

Page numbers at bottom of the page.

Bearing and length of each traverse and measured boundary line; details of indirect measurements (show calculations).

Description of monuments used, found, or set in the course of the survey, e.g., "Found tapered concrete monument, 10 x 10 cm at top, projecting 8 cm above ground. Top partially broken off, no apparent markings."

Notation of monuments searched for and not found.

Description of accessories established or recovered; e.g., "From this monument, the southeast corner of an abandoned concrete structure, approximately 10 sq. m., bears N. 62° W., 16.7 m.

Description of the portion of the survey being performed, e.g., "Continuation of traverse for lots 19, 24, and 23," at the top of each page.

Appropriate diagrams.

Possible boundary evidence; e.g., "Found rusted iron rail, approx. 3 x 5 cm, projecting 11 cm above the ground, bears 5.9° 31' W., 4.25 m from TP 7."

Bearing and distance of permanent structures, such as fences, buildings, or similar features, which are close to boundary lines.

Rights-of-way points of intersection with lines of the survey.

Survey line intersections with important features; e.g., "...7.92 m, left bank of stream, 2 m wide."

Appendix E: Platting Guidelines and Requirements

The previous plat standards followed by the Division of Lands and Surveys will continue to exist. However, in the case of conflict, the standards in this *Manual* supersede any previous standards.

Standard sheet size for survey plats:

24 inches bottom to top, 30 inches left to right.

2-inch margin on left; 1-inch margin on bottom, top, and right.

Optional sheet size for small area surveys:

If the survey of one or more areas can be neatly and legibly centered at an appropriate scale in the diagram space of the plat, the National Surveyor may authorize a plat size of approximately:

28 cm bottom to top
34 cm left to right
1.5-cm margins on all sides

All other standards for the large sheet size apply, e.g., sufficient space for title block and other data, lettering size, etc.

Materials:

Black drawing ink.

Matte surfaced polyester film 0.07- to 0.10-mm thick.

Lettering:

Letters not less than 2 mm (No. 80 CL template).

General:

Vicinity map.

Notes: coordinate basis; bearings basis; references to other plats, drawings, and previous surveys; rights-of-way and easement explanations; other explanatory information when appropriate.

Symbols: types of monuments, special symbols, e.g., shorelines. Use symbols approved by the National Surveyor.

North arrow: points from bottom of plat to top; the diagram area must be scaled to fit this format. Arrows shall be simple and neat.

Grid tics: Palau Coordinate System, not less than 25-cm spacing.

Graphic scale.

Title Block:

Format and style as approved by the National Surveyor.

1st (top) Block:

REPUBLIC OF PALAU
BUREAU OF LANDS AND SURVEYS
DIVISION OF SURVEYING AND MAPPING

2nd Block:

_____State_____Island_____Municipality
(or other geographic location as appropriate)

3rd Block:

Name of type of plat, e.g., Cadastral Plat, Subdivision, Parcel Split. For supplemental or amended plats, place in parentheses (Supplemental Plat or Amended Plat) immediately below the plat title.

4th Block:

Name, address, inclusive dates of survey, signature and seal of the registered surveyor in responsible charge.

5th Block:

Approval Recommended:_____ _____
National Surveyor Date

Approved: _____ _____
Director, Bureau of Lands and Surveys Date

6th Block:

Stated scale, e.g., 1:500

7th Block:

Draftspersons initials (left-hand side)

Plat number

Diagram:

Ties (bearings and distances) to control points. There must be at least two ties for each cadastral plat. Control point ties may be indicated by solid lines or broken line arrow if appropriate. Coordinates (Palau System) are printed near the arrow or at the control monument symbol. Additional coordinates at monument points on the plat are not necessary.

Designation of each lot, tract, parcel, road, street, easement, etc., and the width.

Adjacent feature names, e.g., "Komebail Lagoon," "Catholic Mission Property," "See Drawing 4015/74."

For subdivided or consolidated lots, show designation of the parent lots in alternate style lettering and their boundaries in dashed line.

Nature and position of significant permanent features or structures within the limits of, or adjoining, the land being surveyed.

Bearing and length of each straight line boundary; bearing reported to the nearest 10 seconds, lengths to the nearest centimeter unless otherwise directed by the National Surveyor.

Area of each surveyed lot, road, right-of-way, and easement to the nearest square meter.

Variations between final survey lines and lines of possession as shown by fences, walls, or other structures, whether on the property surveyed or on adjoining property.

Curved lines are annotated with radius, central angle, and length of arc. When not tangent to the preceding or succeeding course, the bearing or angle of either the initial tangent, radial line, or long chord is shown. Selected information on compound curves is shown. Arc length between adjacent monuments marking a curved boundary are annotated.

Lines and Lettering:

Standard size pen point for plat margin, i.e., No. 3 pen.

Lot and other survey lines, No. 1 pen.

Bearings and distances, No. 100 template, except No. 80 template for short lines.

Solid lines for shores; pen points No. 1 to No. 3.

Centering:

Compute the differences between the highest and lowest northings and eastings.

Use the appropriate scale as indicated by the larger of the two differences.

Northing Diff. (M)	Scale	Easting Diff. (M)
less than 51	1:100	less than 61
51 to 100	1:200	61 to 120
101 to 200	1:400	121 to 240
201 to 250	1:500	241 to 300
251 to 400	1:800	301 to 480
401 to 500	1:1000	481 to 600
501 to 1000	1:2000	601 to 1200
1001 to 2000	1:4000	1201 to 2400

Additional Guidelines:

Indicate lot number first, and then area; center inside the lot.

Arrows for lot numbers may only be used for lots less than 2-1/2 cm sq. on plat.

Arrows for bearings and distances may only be used for lines less than 2-1/2 cm on the plat.

Insert diagrams (magnifications) are acceptable on the plat when needed to show detail.

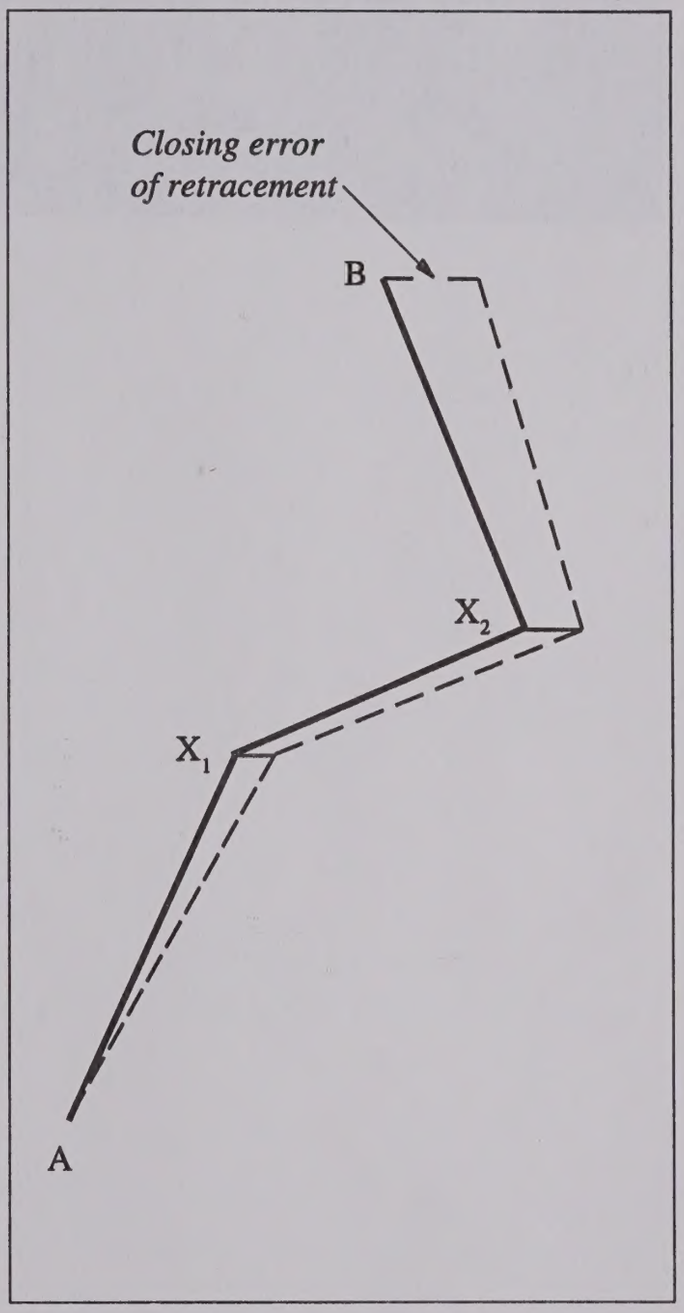
Appendix F: Adjustment for Angle Points of Nonriparian Meander Lines

It may be necessary to restore (or possibly to locate for the first time) the angle points of the record meander courses for a stream, lake, or tidewater.

In these cases the positions of controlling corners are located or determined first. The record meander courses and distances are then run and temporary angle points are marked. The residual error is shown by the direction and length of the line from the end of the last course to the terminal controlling corner.

The general rule is that the adjustment to be applied to the latitude/departure of any course is to the resolved latitude/departure of the closing error as the length of the course is to total length of all the courses. Each adjustment is applied in a direction to reduce the closure. If the *northings* are to be *increased*, then the *southings* will be *decreased*. A line due *east* would then be given a correction to the *north* (in effect to the *left*); a line due *west*, also to the *north* (in effect to the *right*). Each incremental correction is determined and applied in proportion to the length of the line.

The field adjustment for the positions of the several angle points are accomplished simply by moving each temporary point on the bearing of the closing error an amount that is its proportion of that line, counting from the beginning. The particular distance to be measured at any point is to the whole length of the closing error as the distance of that point from the starting corner is to the sum of the lengths of all the courses.



Adjusting angle points on a non-riparian meander line.

Appendix G: Agreement Regarding the Jurisdiction and Sovereignty of the Republic of Palau Over its Territory and the Living and Non-Living Resources of the Sea

PREAMBLE

As provided for in Article I of the Constitution of the Republic of Palau, this Agreement between the Government of the Republic of Palau contains international treaty obligations and sets forth the jurisdiction and sovereignty of the Republic of Palau over its territory and the living and non-living resources of the seabed, subsoil and water column; and

The Government of the United States and the Government of the Republic of Palau, affirming the capacity of the Government of the Republic of Palau to conduct its foreign affairs relating to the law of the sea and marine resources matters recognized in Title One of the Compact of Free Association (the Compact), and affirming their desire to maintain a mutually beneficial relationship of free association and to ensure harmony with international law,

NOW THEREFORE AGREE:

Article I

Pursuant to the last clause of the first sentence of Article I, Section 1 of the constitution of the Republic of Palau, the Government of the Republic of Palau defines, by this Agreement, the jurisdiction and sovereignty of the Republic of Palau over its territory and the living and non-living resources of the seabed, subsoil and water column as follows:

Section 1

The Republic of Palau has jurisdiction and sovereignty over its territory, which includes its land and its internal waters, territorial seas, and airspace superjacent thereto, only to the extent permitted by international law. The Government of the Republic of Palau shall not claim an archipelago or a regime of archipelagic water.

Section 2

To the full extent such jurisdiction is permitted by international law, the Republic of Palau has jurisdiction over the non-living resource of the seabed and subsoil adjacent to its coasts and over the living resources of the seabed, subsoil and water column adjacent to its coasts.

Section 3

In recognition of Article I, Section 4 of the Constitution of the Republic of Palau, the Government of the Republic of Palau recognizes and affirms the high seas freedoms of navigation and overflight and of the laying of submarine cables and pipelines and other internationally lawful uses of the sea in accordance with international law.

Article II

The Government of the Republic of Palau shall make no claims or exercise sovereignty or jurisdiction inconsistent with this Agreement.

Article III

The undertakings of Article I of this Agreement extend to all other States.

Article IV

The Government of the United States recognizes that this Agreement, which shall have the full force and effect of an Executive Agreement of the United States, constitutes a treaty obligation under international law.

Article V

The Government of the Republic of Palau recognizes that this Agreement constitutes "international treaty obligations" as those words are used in Article I, Section 1 of the Constitution of the Republic of Palau and agrees to submit this Agreement for approval as a treaty pursuant to its constitutional processes.

Article VI

Nothing in this Agreement is intended to or shall prejudice any treaty obligation assumed, or any rights, jurisdiction or authority gained or confirmed by the Government of the United States or the Government of the Republic of Palau in becoming a Contracting Party to the United Nations Convention on the Law of the Sea.

Article VII

Nothing in this Agreement shall prejudice any undertaking by either the Government of the United States or the Government of the Republic of Palau toward the other in the Compact.

Article VIII

Nothing in this Agreement shall affect or prejudice the rights, freedoms and obligations of the Government of the United States or the Government of the Republic of Palau under international law with respect to high seas freedoms, the exercise of rights and jurisdiction over the waters or seabed and subsoil or any other matter related to the law of the sea.

Article IX

Section 1

This Agreement shall come into effect simultaneously with the Compact.

Section 2

This Agreement may be amended at any time by mutual agreement.

Section 3

This Agreement shall remain in effect so long as Title Three of the Compact remains in force between the Government of the United States and the Government of the Republic of Palau or until the United Nations Convention on the Law of the Sea enters into force and is entered into by both the Government of the United States and the Government of the Republic of Palau.

Appendix H: Determination of Ownership

EXAMPLE

Land Claims Hearing Office
National Judiciary
Republic of Palau

File No. 13-1187-90

Determination of Ownership

This Determination of Ownership is issued pursuant to 35 PNC Section 1112. After due public and private notice to all parties of record and public hearing held by the undersigned Land Claims Hearing officer(s) in the State of Peleliu, Republic of Palau, the Land Claims Hearing officer(s) has (have) determined that the real property located in Ngesias Hamlet and described as follows:

Cadastral Lot No. 292 R 138; Land known as Sechedui; Containing an area of 563 square meters, more or less

as shown on the Division of Lands and Surveys Cadastral Worksheet No. 292 R 00 dated, _____, is (private) (~~public~~) land and that Sechedui Lineage/Uchelsias (Chief Title) as trustee is (are) the owners(s) of this in fee simple estate.

Determined this 27th day of September 19 90.

Accordingly, unless an appeal is taken to the TRIAL DIVISION OF THE SUPREME COURT, Republic of Palau, within 45 days from the date of this determination, it is hereby ordered that the above described land be registered in the Land Claims Hearing Office, and that, in accordance with 35 PNC Section 1114, a Certificate of Title be issued setting forth the names of all persons or groups of persons holding interest in the property as described in this determination.

Appendix I: Certificate of Title

EXAMPLE

ORIGINAL

Land Claims Hearing Office
National Judiciary
Republic of Palau

CERTIFICATE OF TITLE

This Certificate of Title is issued pursuant to 35 PNC §1114 and the Determination of Ownership of the Palau Land Claims Hearing Office made on the 12th day of May 1980, numbered 626 in the files of said Office.

This is to certify that Blodak Meluat

now residing in Ngatpang State

is (are) the owner(s) of an estate in fee simple

in land situated in Ngatpang State

and more particularly described as follows:

Lot No. 007 L 12; Tochi Daicho Lot No. 257; Land known as Olik

and shown on the Division of Lands and Surveys Official Cadastral Plat No. 007 L 00, dated May 4, 1992 and containing an area of 1,524 square meters subject, however, to the encumbrances stipulated in 35 PNC §1114.

In witness whereof, the undersigned Land Claims Hearing Officer(s) hereunto set his (their) hand(s) and caused the official seal to be affixed this 2nd day of July 1992.

By:
Land Claims Hearing Officer

SEAL

By:
Land Claims Hearing Officer

By:
Land Claims Hearing Officer

****

Registered this _____ day of _____, as Document No. _____, at the Palau Land Claims Hearing Office.

Clerk/Registrar: _____

Note: **ERASURES** on this certificate render it null and void. In such case surrender this certificate and obtain a new one.

LCHO Form No. 003

EXAMPLE

ORIGINAL

CERTIFICATE OF TITLE

This Certificate of Title is issued pursuant to 35 PNC §1116.
JUDGEMENT OF THE TRIAL DIVISION OF THE SUPREME COURT C.A. NO. 154-87 DATED 12-30-87.

This is to certify that Ngiratkel Etpison

now residing in Koror State

is (are) the owner(s) of an estate in fee simple

in land situated in Ngatpang State and more particularly described as follows: Lot No. 007 L 12;

Tochi Daicho Lot No. 257; Land known as Olik

as shown on the Division of Lands and Surveys Official Cadastral Plat No. 007 L 00, dated May 4, 1992 and containing an area of 1,524 square meters, more or less, subject, however, to the encumbrances stipulated in 35 PNC §1114.

In witness whereof, we have hereunto set our hands and cause the official seal to be affixed, this 8th day of July, 19 92.

By:
Land Claims Hearing Officer

SEAL

By:
Land Claims Hearing Officer

By:
Land Claims Hearing Officer

****

Registered this 30th day of September 1992, as Document No. 3358, at the Palau Land Claims Hearing Office.

Clerk/Registrar:

Note: **ERASURES** on this certificate render it null and void. In such case surrender this certificate and obtain a new one.

LCHO Form No. 005

Appendix J: Land Registration Procedures

The Land Registration Act requires that the LCHO "proceed on a systematic basis to register and award ownership of all lands" in the Republic not yet registered. The LCHO has established the following registration procedures:

A. Designation and Monumentation. The LCHO designates an area for registration by giving notice to the public and informing the court of such designation so that the court may not entertain actions regarding claims in that area without special cause. Persons having claims within the designated area are called to clear the boundaries of their claims and otherwise prepare for boundary markers to be placed.

At a date and time scheduled by the LCHO, the claimants and LCHO Staff place boundary markers of their claims for the ground survey. After all corner markers are in place, the LCHO notifies the Chief of the Division of Lands and Surveys (DLS) to conduct a field survey of the claims. After completion of the survey, DLS then prepares a temporary map called a "Worksheet" showing all the claims in the designated area with assigned temporary lot numbers. Said Worksheet is used during the formal hearings conducted by LCHO.

B. Preliminary Inquiry. When interested parties to a designated area have not already filed their claims, they are required to do so when a designation is made. Prior to the hearing, LCHO land registration officers in each State prepare well-founded claims and get them ready for the formal registration hearings.

Applications for land registration may be filed at any time, even if the area claimed has not been designated for registration. Such applications will be processed and kept by the LCHO until such time as the claimed area is designated for hearing and registration. Forms are available at all LCHO offices.

C. Notice of Formal Hearing. When all necessary field surveys of the designated area are completed and the Division of Lands and Surveys has prepared the temporary "Worksheet," the LCHO schedules a formal hearing. Notice of the formal hearing is served personally upon known parties of interest and the general public not less than thirty (30) days before the formal hearing.

D. Formal Hearing. Formal hearings are normally conducted by a panel of three (3) hearing officers (which may include an assigned judge of the Court of Common Pleas). However, on a case-by-case basis, the Senior Land Claims Hearing Officer, with the approval of a Supreme Court justice or judge of the National Court, can determine that the matter may be heard by only one hearing officer.

During the hearing, claimants verify their claims as shown on the DLS worksheet. Boundary disputes and ownership of parcels are determined based on testimonies and evidence presented at the hearing, including official land records and land transactions in the files of the LCHO and the court. Documentary evidence may be presented and claimants may also call witnesses to testify on their behalf. In cases where there are no adverse claimants, i.e., only one person claims ownership, or where a court has already determined ownership of a parcel, such facts will simply be noted on the record at the hearing for registration purposes.

Formal hearings are conducted in the state or village in which the involved land lies, unless not practicable. Hearings are open to the public, and any interested party may be heard.

E. Hearing Procedures. In conducting the hearings, the hearing officers are guided by LCHO Rules and Regulations and the Republic of Palau Rules of Civil Procedures and Rules of Evidence. However, any relevant evidence which may be helpful in reaching a just determination of the claims shall also be received and considered. Parties may appear on their own behalf or be represented by a counsel during the formal hearing.

F. Determination of Ownership. A determination of ownership shall be issued within twenty (20) working days after the conclusion of a formal hearing. Notice of such determination shall be given to the parties and to the general public. The determination, along with a summary of and all documents relating to the hearing proceedings are then transmitted to the Chief Justice of the Supreme Court. After reviewing the documents, the Chief Justice returns them to the Presiding Hearing Officer for further disposition and safekeeping.

A determination of ownership has the same effect as a Certificate of Title in that it is conclusive evidence of ownership, if it is not appealed within the appeal period, or if it is affirmed by the Court upon appeal.

G. Appeal of LCHO Determination. A party who is not satisfied with a determination of the LCHO (an aggrieved party) may appeal such determination to the Trial Division of the Supreme Court within 45 days upon being served with the determination. The Republic of Palau Rules of Appellate Procedure apply to such appeals. Normally, only persons who appeared at the formal hearing are entitled to appeal from the determination.

H. Certificate of Title. After all appeals from an LCHO determination are finally settled, or if there were no appeals, after the appeal period has lapsed, the LCHO shall issue a Certificate of Title showing the name(s) of the person(s) or entity who holds interest in the land. Such certificates are conclusive evidence of landownership.

The Registration Act requires the LCHO to issue a certificate of ownership "not less than 30 days" after the appeal period has expired without any appeal taken, or after an appeal had been determined. In practice, however, the Certificate of Title is issued only after the cadastral plat (map) of the registration area is approved and certified by the Chief of the Division of

Lands and Surveys. Thus, even after the appeal period has lapsed, a certificate may not be issued until the cadastral plat has been approved and certified.

The above requirement is an established procedure of cadastration, which consists of cadastral survey and land registration, and serves to ensure that parcels are properly described and identified in the final Certificate of Title.

Certificates of Title are issued in duplicates, with the originals maintained by the LCHO Registrar, and the owner's duplicates served upon the landowners.

Appendix K: Request Form for Private Survey

LAND CLAIMS HEARING OFFICE
and
BUREAU OF LANDS AND SURVEYS
Republic of Palau

Request Form for Private Survey

Section 7 of the Rules and Regulations of the Land Claims Hearing Office provides that "... no private survey shall be conducted unless for a valid reason an order of the court is issued or a joint approval of the Presiding Hearing Officer and the Director of Bureau of Lands and Surveys is obtained."

In accordance with the above section of the rules, I, _____(Name of Requestor), hereby request approval of a private survey for the following described land:

1. Tochi Daicho No. _____

2. T.D. Registered Owner _____

3. Land Name (if any) _____

4. Hamlet/Village and State where located_____

5. Reason for private survey request:_____

   _____

   _____

6. Address & Phone No. of Requestor: _____

   _____

DATE: _____ _____
Requestor's Signature

Note: Upon completion of this form and after review/approval of the concerned Presiding hearing Officer, the Land Registration Officer of that area shall prepare a separate Authorization and Notice of Private Survey form to be signed by the Presiding Hearing Officer and the Director of Lands and Surveys.

Appendix L: Authorization and Notice of Private Survey

LAND CLAIMS HEARING OFFICE
and
BUREAU OF LANDS AND SURVEYS
National Government, Republic of Palau

Authorization and Notice of
Private Survey

Per request form, dated _____, _____has requested a survey to be conducted on a parcel located in (State) _____, described or known as _____ and registered in the Tochi Daicho as property of _____.

This parcel is in the area that has not been designated as registration area and no immediate public survey is planned therefor. Valid reasons having been shown to the satisfaction of these offices that immediate survey in required, a private survey is hereby authorized for the above-described parcel.

By this authorization, all owners of or persons having interest in parcels of land adjacent to the land described herein are hereby notified that monumentation and survey will be conducted not less than thirty (30) days from the date of this notice shown below. such survey shall commence on (date) _____, at (time) _____.

In order to avoid unnecessary repeat surveys, all owners or persons having interests in parcels adjacent to _____ specifically described above, are required to be present during the monumentation and survey on the above designated date and time. Landowners should come prepared to identify such boundaries of their lands as are adjacent to the above parcel.

Approved pursuant to Section 7 of the LCHO Rules and Regulations on this _____day of_____, 19_____.

_____
Presiding Hearing Officer
Land Claims Hearing Officer
Area No._____

_____
Director, Bureau of Lands and Surveys

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